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THE CHARTER

AND

REVISED ORDINANCES

OF THE

CITY OF MUSCATINE,

TOGETHER WITH

DAVENPORT PUBLIC LIBRARY

ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF IOWA RELATING TO CITIES UNDER SPECIAL CHARTERS.

REVISED AND ARRANGED BY

W. F. BRANNAN.

Revised and Published by Authority of the City Council.

MUSCATINE, IOWA:
BETTS BROTHERS,
1878.

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1878

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

LIST OF OFFICERS

OF THE

TOWN OF BLOOMINGTON

From March, 1839, to March, 1851.

1839.

PRESIDENT—JOSEPH WILLIAMS.

TRUSTEES.

Arthur Washburn, Benj. P. Howland,
Henry Reece.

Moses Couch, Recorder.
Giles Pettibone, Street Commissioner.

1840.

PRESIDENT—JOHN LILLY.

TRUSTEES.

Henry Reece, R. P. Lowe,
John W. Richman.

E. E. Fay, Recorder.
Matthew Matthews, Street Commissioner.
Hiram Matthews, Marshal.
D. J. Snyder, Treasurer.

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1841.

PRESIDENT—THOMAS DARLINGTON.

TRUSTEES.

John S. Lakin, Suel Foster,
Edward Ballard.

Arthur Washburn, Recorder.
Wm. St. John, Street Commissioner.
John W. Weller, Treasurer.
John Marble, Marshal.

1842.

PRESIDENT—DAVID CLARK.

TRUSTEES.

Wm. Frye, Wm. St. John,
Hiram Wilson.

Arthur Washburn, Recorder.
Daniel Mauck, Street Commissioner.
Lyman C. Hine, Treasurer.

1843.

PRESIDENT—JOHN A. PARVIN.

TRUSTEES.

Wm. Frye, L. C. Hine,
J. J. Hoopes.

Pliny Fay, Recorder.
Daniel Mauck, Street Commissioner.
John Zeigler, Treasurer.
Wm. Parvin, Marshal.

1844.

PRESIDENT—STEPHEN L. FOSS.

TRUSTEES.

A. J. Fimple, J. R. Bennett,
A. M. Hare.

Thomas Crandol, Recorder.
Daniel Mauck, Street Commissioner.
Wm. Leffingwell, Treasurer.
Hiram Matthews, Marshal.

1845.

PRESIDENT—CHARLES EVANS.

TRUSTEES.

John M. Kane, A. J. Fimple,
Wm. Leffingwell.

John Lilly, Recorder.
Hiram Matthews, Street Commissioner.
Wm. Parvin, Treasurer and Marshal.
John Seiler, Sexton.*

1846.

PRESIDENT—STEPHEN L. FOSS.

TRUSTEES.

Hezekiah Musgrove, Alexander Jackson,
Joseph P. Freeman.

Douglas Dunsmore, Recorder.
Hiram Matthews, Street Commissioner.
Wm. Parvin, Treasurer and Marshal.

1847.

PRESIDENT—J. M. BARLOW.

TRUSTEES.

J. L. Cummins, Edward Olmstead,
Harris H. Hine.

Richard Cadle, Recorder.
Hiram Matthews, Street Commissioner.
John M. Kane, Treasurer and Marshal.

1848.

PRESIDENT—THOMAS M. ISETT.

TRUSTEES.

E. H. Albee, Pliny Fay,
John M. McCormick.

Richard Cadle, Recorder.
David Freeman, Street Commissioner.
John M. Kane, Treasurer and Marshal.

*John Seiler has been continuously elected Sexton from 1845 to the present time—1878.

1849.*

PRESIDENT—ELIAS OVERMAN.

TRUSTEES.

J. G. Gordon, G. S. Branham,
Jacob Butler.

Richard Cadle, Recorder.
Charles Browning, Street Commissioner.
William Parvin, Treasurer and Marshal.

1850.

PRESIDENT—WILLIAM D. AMENT.

TRUSTEES.

G. W. Hunt, Ansel Humphreys,
Alfred Purcell.

Thomas Crandol, Recorder.
Charles Browning, Street Commissioner.
Wm. A. Drury, Treasurer and Marshal.

*In 1849, at the June term of the District Court, the corporate name was changed from Town of Bloomington to Town of Muscatine.

LIST OF OFFICERS

OF THE

CITY OF MUSCATINE

From March, 1851, to March, 1879.

1851.*

MAYOR— { ZEPHANIAH WASHBURN.† / AULAY MACAULAY.

ALDERMEN.

Henry Reece,
J. B. Dougherty,
Absalom Fisher,
John C. Irwin,
H. D. Lacosett,
B. Bartholomew.

G. S. Branham, Marshal.
C. F. Browning, Wharf Master.
Thomas Crandol, Recorder.
William D. Ament, Treasurer.
L. C. Hine, Assessor.
C. G. Heilenberg, City Engineer.

1852.

MAYOR—THOMAS M. ISETT.

ALDERMEN.

Henry Reece,
J. B. Dougherty,
Absalom Fisher,
George C. Stone,
Wm. St. John,
Samuel Bamford.

Alexander Jackson, Marshal.
Thomas M. Williams, Recorder.
S. B. Crane, Wharf Master.
John I. Reece, Assessor.
William D. Ament, Treasurer.

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*In 1851, by a special charter granted by the Legislature, Muscatine was created a city.
†Mr. Washburn resigned and Mr. Macauley was elected to fill the vacancy.

1853.

MAYOR—JOHN G. STINE.

ALDERMEN.

George C. Stone,
William St. John,
Samuel Bamford,
Marx Block,
A. M. Hare,
Jacob Hershe.

Charles F. Browning, Marshal.
Henry C. Lamb, Recorder.
William D. Ament, Treasurer.
L. C. Hine, Assessor.
S. B. Crane, Wharf Master.

1854.

MAYOR—JOHN A. PARVIN.

ALDERMEN.

Marx Block,
A. M. Hare,
Jacob Hershe,
Jacob Butler,
Charles Nealley,
William Young.

Abial Fry, Marshal.
D. P. Johnson, Recorder.
M. Berkshire, Assessor.
Edward Hoch, City Measurer.

1855.

MAYOR—J. H. WALLACE.

ALDERMEN.

Jacob Butler,
Charles Nealley,
William Young,
F. S. Phelps,
D. C. Cloud,
C. Cadle.

Jacob Israel, Marshal.
J. B. Dougherty, Treasurer.
William L. Browning, Wharf Master.

1856.

MAYOR—WILLIAM LEFFINGWELL.

ALDERMEN.

F. S. Phelps,
D. C. Cloud,
C. Cadle,
I. R. Mauck,
A. M. Hare,
B. W. Thompson.

John A. McCormick, Marshal.
D. P. Johnson, Recorder.
J. B. Dougherty, Treasurer.
A. J. Fimple, Assessor.
L. C. Bailey, City Engineer.

1857.

MAYOR—JOHN G. STINE.

ALDERMEN.

I. R. Mauck,
A. M. Hare,
B. W. Thompson,
Edward Hoch,
J. R. Nisley,
A. Fisher.

Elias Unger, Marshal.
D. P. Johnson, Recorder.
H. Lofland, Treasurer.
William Leffingwell, Assessor.
Samuel Tarr, Street Commissioner.
Marx Block, Wharf Master.

1858.

MAYOR—GEORGE MEASON.

ALDERMEN.

Edward Hoch,
J. R. Nisley,
A. Fisher,
S. G. Hill,
J. P. Freeman,
C. Hershe.

Elias Unger, Marshal.
D. P. Johnson, Recorder.
H. Lofland, Treasurer.
Peter Jackson, Assessor.
Romulus Hawley, Street Commissioner.
John Bartholomew, Wharf Master.

1859.

MAYOR—GEORGE MEASON.

ALDERMEN.

S. G. Hill,
J. P. Freeman,
C. Hershe,
W. C. Kennedy,
Henry Funck,
Robert Williams.

J. R. Nisley, Recorder.
R. R. Lauther,* } Treasurer.
Abel F. Adams, }
Z. Washburn, Assessor.
Romulus Hawley, Street Commissioner.

*Mr. Adams was appointed on the resignation of Mr. Lauther.

1860.

MAYOR—GEORGE MEASON.

ALDERMEN.

W. C. Kennedy, S. G. Stein,
Henry Funck, Henry Molis,
Robert Williams, C. Hershe.

William Dill, Marshal.
R. T. Wallace, Recorder.
A. F. Adams, Treasurer.
R. T. Wallace, Wharf Master.

1861.

MAYOR—GEORGE MEASON.

ALDERMEN.

S. G. Stein, Luke Sells,
Henry Molis, F. Thurston,
C. Hershe, Abraham Johns.

William Dill, Marshal.
Hugh J. Campbell, Recorder.
John Wiley, Assessor.
Romulus Hawley, Street Commissioner.
R. T. Wallace, Wharf Master.

1862.

MAYOR—GEORGE MEASON.

ALDERMEN.

Isaac R. Mauck, Luke Sells,
Henry Molis, F. Thurston,
Richard Musser, A. Johns,* J. S. Patten,*

William Dill,* T. B. James, } Marshal.
E. O. Upham,* L. H. Washburn, } Recorder.
John Wiley, Treasurer.
Charles S. Porter,* Abial Fry, } Collector.
William Dill, Assessor.
Marx Block, Wharf Master.
Romulus Hawley,* Cyrus Hawley, } Street Commissioner.
Cornelius Cadle, City Measurer.

*These gentlemen resigned their respective offices to enlist in the army, when their places were filled by appointment.

1863.

MAYOR--HENRY FUNCK.

ALDERMEN.

Philip Stein,
R. T. Wallace,
Benjamin Middleton,
Isaac R. Mauck,
Henry Molis,
Richard Musser.

T. B. James, Marshal.
D. S. Biles, Recorder.
John Wiley, Treasurer.
William Leffingwell, Collector.
L. T. Goldsberry, Assessor.
Marx Block, Wharf Master.
Wm. A. Thayer, Street Commissioner.
Joseph S. Multord, City Measurer.

1864.

MAYOR—S. D. VIELE.

ALDERMEN.

Henry W. Moore,
Ferdinand Kaufmann,
W. H. Simpson,
Philip Stein,
R. T. Wallace,
Benj. Middleton.

T. B. James, Marshal.
D. S. Biles, Recorder.
A. F. Demorest, Treasurer.
William Leffingwell, Collector.
T. B. James, Assessor.
Marx Block, Wharf Master.
Wm. A. Thayer, Street Commissioner.
John Chambers, City Measurer.

1865.

MAYOR—BENJAMIN HERSHEY.

ALDERMEN.

Philip Stein,
S. B. Crane,* } Henry W. Moore,
Geo. Schneider, } Ferdinand Kauffman,
L. H. Washburn, W. H. Simpson.

T. B. James, Marshal.
D. S. Biles, Recorder.

*On the death of Mr. Crane, George Schneider was appointed to fill the vacancy until election.

John Wiley, Treasurer.
William Leffingwell, Collector.
William Gordon, Assessor.
Daniel Sterneman, Wharf Master.
William A. Thayer, Street Commissioner.
Edward Hoch, City Measurer.

1866.

MAYOR—BENJAMIN HERSHEY.

ALDERMEN.

F. Wienker,
J. A. Reuling,
C. F. Kessler,
Philip Stein,
L. H. Washburn,
Noah Green.*

T. B. James, Marshal.
D. S. Biles, Recorder.
Henry Molis, Treasurer.
William Leffingwell, Collector.
William Gordon, Assessor.
George Schneider, Wharf Master.
Michael Murphy, Street Commissioner.

1867.

MAYOR—GEORGE MEASON.

ALDERMEN.

C. E. Kent,
Alpheus Palmer,
L. H. Washburn,
F. Wienker,
J. A. Reuling,
C. F. Kessler.

J. G. Wells, Marshal.
John H. Munroe, Recorder.
A. F. Demorest, Treasurer.
William Dill, Collector.
Lewis Coe, Assessor for County purposes.
J. P. Freeman, Assessor for City purposes.
William H. Snyder, Wharf Master.
Romulus Hawley, Street Commissioner.
Cornelius Cadle, City Measurer.

*Noah Green was elected to fill the unexpired term of S. B. Crane.

1868.

MAYOR—E. KLEIN.

ALDERMEN.

William Spring,	C. E. Kent,
V. Chambers,	C. Cadle,*
John Cackler,	L. H. Washburn.

John K. Scott, Marshal.
John H. Munroe, Recorder.
William Leffingwell, Treasurer.
O. W. Brown, Collector.
Wm. Gordon, Assessor for County purposes.
Lewis Coe, Assessor for City purposes.
Marx Block, Wharf Master.
James S. Patten, Street Commissioner.

1869.

MAYOR—WILLIAM B. KEELER.

ALDERMEN.

Joseph Bridgman,	William Spring,
C. U. Hatch,	V. Chambers,
J. B. Dougherty,	John Cackler.

John K. Scott, Marshal.
John H. Munroe, Recorder.
C. E. Kent, Treasurer.
P. A. Brumfield, Assessor for County purposes.
P. A. Brumfield, Assessor for City purposes.
George R. White, Wharf Master.
James S. Patten, Street Commissioner.
Cornelius Cadle, City Measurer.

1870.

MAYOR—S. G. STEIN.

ALDERMEN.

Henry Funck,	Joseph Bridgman,
Henry Molis,	C. U. Hatch,
John Cackler,	J. B. Dougherty.

Robert Williams, Police Judge.
Galbraith Bitzer, Marshal.

*On Mr. Palmer's removal from the city in 1867, Mr. C. Cadle was elected to fill the vacancy.

John H. Munroe, Recorder.
C. E. Kent, Treasurer.
P. A. Brumfield, Assessor for County purposes.
P. A. Brumfield, Assessor for City purposes.
W. G. Block, Wharf Master.
John Beard, Street Commissioner.

1871.

MAYOR—S. G. STEIN.

ALDERMEN.

Michael Murphy,
John Daiber,
A. F. Adams,
Henry Funck,
Henry Molis,
John Cackler.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
C. E. Kent, Treasurer.
P. A. Brumfield, Assessor for County purposes.
D. P. Johnson, Assessor for City purposes.
W. G. Block, Wharf Master.
Patrick Murphy, Street Commissioner.

1872.

MAYOR—J. P. AMENT.

ALDERMEN.

Jacob Dold,
I. L. Graham,
Galbraith Bitzer,
Michael Murphy,
John Daiber,
A. F. Adams.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
C. E. Kent, Treasurer.
P. A. Brumfield, Assessor for County purposes.
P. A. Brumfield, Assessor for City purposes.
W. G. Block, Wharf Master.
B. H. Eversmeyer, Street Commissioner.

1873.

MAYOR—J. P. AMENT.

ALDERMEN.

M. Murphy,
O. P. Watters,
John Lantz,
Jacob Dold,
I. L. Graham,
Galbriath Bitzer.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
William Leffingwell, Treasurer.
D. P. Johnson, Assessor for County purposes.
D. P. Johnson, Assessor for City purposes.
W. G. Block, Wharf Master.
William Calder, Street Commissioner.

1874.

MAYOR—RICHARD MUSSER.

ALDERMEN.

Alexander Jackson,	Michael Murphy,
J. J. Hoopes,	Jacob Fisch,*
M. Benham,	John Lantz.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
William Leffingwell, Treasurer.
D. P. Johnson, Assessor for County purposes.
George Wiley, Assessor for City purposes.
W. G. Block, Wharf Master.
B. H. Eversmeyer, Street Commissioner.

1875.

MAYOR—HENRY MOLIS.

ALDERMEN.

Frank Moran,	Alex. Jackson,
Jacob Fisch,	J. J. Hoopes,
T. R. Fitzgerald,	John Lantz.†

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
William Leffingwell, Treasurer.
D. P. Johnson, Assessor for County purposes.
D. P. Johnson, Assessor for City purposes.
George F. Funck, Wharf Master.
Michael Purcell, Street Commissioner.

*On Mr. Watter's removal from the city, Jacob Fisch was elected to fill the vacancy.
†On Mr. Benham's removal to St. Louis, John Lantz was elected to fill the vacancy.

1876.

MAYOR—J. P. AMENT.

ALDERMEN.

George W. Dillaway, Frank Moran,
John Byrne, Jacob Fisch,
Maurice Neidig, T. R. Fitzgerald.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
William Leffingwell, Treasurer.
D. P. Johnson, Assessor for County purposes.
Geo. Wiley, Assessor for City purposes.
George F. Funck, Wharf Master.
Michael Purcell, Street Commissioner.

1877.

MAYOR—T. R. FITZGERALD.

ALDERMEN.

Edward Hoch, Geo. W. Dillaway,
John Knopp, John Byrne,
Galbraith Bitzer, Maurice O. Neidig.

Robert Williams, Police Judge.
D. L. Ewing, Marshal.
Robert Williams, Recorder.
Henry Molis, Treasurer.
D. P. Johnson, Assessor for County purposes.
D. P. Johnson, Assessor for City purposes.
George F. Funck, Wharf Master.
Michael Purcell, Street Commissioner.

1878.

MAYOR—RICHARD MUSSER.

ALDERMEN.

John Hahn, Edward Hoch,
Samuel Cohn, John Knopp,
J. B. Mark, Galbraith Bitzer.

Robert Williams, Police Judge.
J. A. Eaton, Marshal.
Robert Williams, Recorder.
D. P. Johnson, Assessor for County purposes.
George R. White, Assessor for City purposes.
George F. Funck, Wharf Master.
Romulus Hawley, Street Commissioner.
George Schneider, Steamboat Register.

RULES AND ORDER OF BUSINESS

OF THE

CITY COUNCIL.

MEETINGS OF THE COUNCIL.

1. Regular meetings of the Council shall be held at the Council Room on the evenings of the third Saturday of each month, and special meetings shall be ordered by the Mayor when required by two members of the Council from different wards, or upon his own motion, when he may deem such meetings proper and advisable.

2. Notices of special meetings shall be served by the Marshal, on each member of the Council, either personally, or by leaving the same at his residence or place of business.

3. The Marshal shall have the care of the Council Room, and be in attendance on the meetings of the Council.

ORDER OF BUSINESS.

1. The Mayor shall take the chair at the hour appointed for the meeting; and, if a quorum be present, he shall direct the Recorder to read the minutes of the last preceding meeting, for correction and approval.

2. To constitute a quorum there shall be present at least four Aldermen, including one from each ward.

3. If a quorum be not present at the hour fixed for the meeting of the Council, the Mayor shall direct the Marshal

to bring in the absentees. If there be less than a quorum, the members present shall do no business, except to adjourn or compel the attendance of absent members.

4. If a quorum be present the regular order of business, after the reading and approval of the minutes, shall be as follows:

1. The presentation of petitions and communications.
2. Reports of city officers.
3. Reports of committees.
4. Bills.
5. Ordinances on their first or second reading, or on their passage.
6. Unfinished business.
7. Resolutions, motions, and other miscellaneous business.

DUTIES AND POWERS OF THE MAYOR.

1. The Mayor shall preserve order, and decide all questions of order or precedence of business; but an appeal from his decision may be taken, by any member, to the Council without a second.

2. He may, whenever it may be necessary, require the assistance of the Marshal in the preservation of order and proper decorum, while the Council is in session.

3. He shall have the casting vote on all questions upon which the City Council is equally divided, but not otherwise.

4. While the Mayor is speaking no member shall leave his seat.

5. When a motion is made, or a resolution presented, the same shall be stated by the Mayor, and no debate thereon shall be in order, until such statement is made by the Mayor, nor after such statement, if the question is not debatable.

6. He shall, when ordered by the Council, direct the Marshal to have present at its session, any persons, books or papers deemed necessary to the proper understanding of any question before it.

7. When two or more arise at once the Mayor shall name the member who is entitled to speak.

DUTIES OF MEMBERS.

8. Each member, on presenting any communication, resolution, or other matter for the consideration and action of the Council, shall rise and address the Mayor as "Mr. President," and having made such explanation, or statement, as he shall deem necessary, of the matter he desires to present, shall ask leave to present the same.

9. No member shall be permitted to speak without rising and addressing the Chair in the proper form, nor shall he proceed with his remarks until he is recognized and named by the Chair.

10. No member shall speak more than twice upon the same general question, except by unanimous consent.

11. A member called to order while speaking, shall, unless permitted to explain, immediately cease speaking and sit down, until the point of order is presented and decided. If there be no appeal, the decision of the Chair shall be conclusive, but if an appeal be taken from the decision of the Chair, the Council shall decide on the matter without debate.

12. While a member is speaking, no member shall hold any private discourse, or pass between the speaker and the Chair.

13. No member shall vote on any matter in which he is directly interested. But he shall, if present, vote on all other questions, unless excused by the Council.

14. No member shall speak to the Council unless there be some question then pending before it, except to make an explanation or an inquiry.

RESOLUTIONS, MOTIONS AND ORDINANCES.

15. All resolutions shall be in writing, and every motion shall be reduced to writing when requested by the Mayor or any Alderman.

16. No motion shall be put and debated unless it is seconded. When a motion is seconded it shall then be stated by the Mayor or be read, if reduced to writing, by the Recorder or the member offering it.

17. After a motion or resolution has been stated by the Mayor, it shall be regarded as properly before the Council, but it may be withdrawn at any time before amendment is made to it, or vote taken on it; but if an amendment has been made or a vote taken, it can only be withdrawn by the consent of the Council.

18. On the request of any two members of the Council, the yeas and nays shall be taken and entered on the minutes.

19. All ordinances, under the Charter, shall be presented at the regular meetings of the Council, by leave; they shall be read three times before their final passage, but not more than twice at one meeting, unless by suspension of this rule; but they may be rejected by the Council on the first or second reading.

20. When a question is pending or under debate, no other business shall be in order, and no matter shall be entertained

except :—1st, A motion to adjourn. 2d. To lay on the table. 3d. To postpone indefinitely. 4th. The previous question. 5th. To refer to a committee. 6th. To amend, and 7th, To adjourn to a particular day. Such motions shall have precedence in the order herein named, the first, second and fourth to be decided without debate.

QUESTIONS NOT DEBATABLE.

21. Motions to adjourn, to lay on the table, or for the previous question, are not debatable ; but when the motion is to adjourn to a certain day, or to lay on the table and publish, or to do any other thing, it is then open to amendment and debate.

MOTION TO ADJOURN.

22. A motion to adjourn is always in order, except when a member has the floor ; or, 2d, While the yeas and nays are being called ; or, 3d, When the members are voting ; or, 4th, When the previous question has been ordered ; or, 5th, When adjournment was the preceding motion.

PREVIOUS QUESTION.

23. When the previous question is moved and put, it shall be in the following form : "Shall the main question be now put ?" If this is carried, all amendments not acted on, and all further motions or debate shall be at an end, and the question be put without delay.

AMENDMENT.

24. A motion to amend shall be in order, but to amend an amendment to an amendment shall not be entertained.

25. Nothing offered as an amendment to any matter before the Council will be entertained unless it is germain to such matter.

RECONSIDERATION.

26. A motion may be made to reconsider at any time during the same meeting, or at the first meeting had thereafter.

27. A motion to reconsider must be made and seconded by members who voted in the majority, or by those who were absent and did not vote on the matter on which reconsideration is desired.

28. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

COMMITTEES.

28. The Mayor shall appoint all committees, unless the Council otherwise order.

29. All standing committees shall be appointed by the Mayor annually, on entering upon the duties of his office, and the first named shall be the Chairman thereof.

30. The Standing Committees shall be

1. On Finance and Claims.
2. On Streets and Alleys.
3. On Sidewalks,

And such other standing committees as the Council may authorize hereafter.

31. Standing and special committees shall consist of not less than three members.

32. Standing committees, and special committees, to whom matters are referred by the Council, shall report at the next regular meeting of the Council after the reference, unless otherwise instructed, or further time be given.

33. Such reports shall briefly describe the matter referred to it, and the conclusion to which the committee has come; which conclusion shall be summed up in form of an order, resolution or recommendation.

34. On the acceptance of a final report from a special committee, the said committee shall be considered discharged, without a vote, unless otherwise ordered.

MISCELLANEOUS.

35. No person, not a member of the Council, shall be allowed to speak before the Council, except by permission of the Council.

36. Any member may call for the reading of any paper in the possession of the Council, bearing upon a question then pending.

37. In filling blanks the question shall be upon the highest number or the longest time.

38. All bills and claims against the city shall be referred to some committee, and shall lie over until the next meeting of the Council, unless the Council shall, by unanimous consent of the members present, allow the claim, in which case payment may be ordered at the same meeting at which the claim is presented.

39. No resolution, or other action of the City Council, appropriating money, or involving the appropriation of money, shall be passed at the same session of the Council at which it

is presented, unless by unanimous consent of the members present, but shall, unless such unanimous consent be had, be referred to some appropriate committee, which shall report at the next meeting of the Council.

40. In all proceedings to amend or to change an ordinance, or any section thereof, the proposed amendment shall contain the entire ordinance, or the section thereof, as the case may be, to be amended or changed, and the former ordinance or section thereof, shall be repealed. In other words, an ordinance or section of an ordinance shall not be amended by striking out, inserting or adding words; but the former ordinance or section (as the case may be) shall be repealed, and the new one, as amended, written out in full, and substituted in its place.

41. The foregoing rules may be temporarily suspended by a vote of two-thirds of the members present, but no change or alteration in them, or any addition to them, shall be made except by the concurrence of all the Aldermen.

CHARTER OF THE

CITY OF MUSCATINE

AS AMENDED.*

ARTICLE I.

TOWN OF MUSCATINE CREATED A CITY—BOUNDARIES OF CITY—DIVISION INTO WARDS.

1. City of Muscatine created.
2. Made a body corporate.
3. Rights, powers, duties, etc., of town of Muscatine, transfered to and imposed upon said City.
4. Boundaries of City.
5. Divided into three wards, with power to create new wards, and to change existing ones.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the town of Muscatine, (formerly the town of Bloomington,) in the county of Muscatine, is hereby created a city by the name of the "City of Muscatine."

SEC. 2. The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. All the rights, powers, privileges, duties, liabilities, and property of the late town of Muscatine, are hereby transferred to and imposed upon the said city, except as repealed or qualified herein, and the same may be enforced by or against the city, as they might have been by or against the town.

SEC. 4. The following shall be the boundaries of the said City of Muscatine: Commencing at a point in the center of

*The original charter of the City of Muscatine was approved February 1st, 1851. Previous to the adoption of the present State Constitution, amendments were made to it, by the Legislature, viz.: Act of 1853, page 137; Act of 1855, page 76; Act of 1856, page 49; Acts of 1857, pages 25 and 149.

the main channel of the Mississippi River, where the south line of section ten, township seventy-six, north of range two west of 5th P. M. should strike—thence west and along said section line to the west line of said section ten ; thence north, and along the section lines of sections ten, three, thirty-four, and twenty-seven, to the northwest corner of the southwest quarter of section twenty-seven, north of range two west of 5th P. M. ; thence east through the center of sections twenty-seven, twenty-six and twenty-five, to a point where said lines strike the township line, between ranges one and two west ; thence south and along said township line, to a point in the center of the main channel of the Mississipi River, thence along the center of said channel, and with the course of the same, to the point of beginning.*

SEC. 5. The said city is hereby divided into three wards, as follows : That part of the city which lies south and west of the middle of Chestnut street is the first ward ; that part lying between the middle of Chestnut street and middle of Walnut street, is the second ward ; that part lying north and east of the middle of Walnut street, is the third ward ; but the City Council may create new wards and change the limits of those now or hereafter established.

ARTICLE II.

ELECTIVE OFFICERS OF THE CITY.

6. Who are elective officers. When and for what time elected.
7. Two Aldermen to be elected from each ward, to hold for two years. In case of a tie, vote to be determined by lot.

SEC. 6. The elective officers of the city shall be a Mayor, two Aldermen from each ward, Treasurer and Wharf Master, for the choice of whom an election shall be holden annually on the first Monday of March, and each of whom will hold his office for the term of one year, (except in the case of Alderman as hereafter provided) and until their successors are elected and qualified.†

SEC. 7. Two Aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year, and thereafter one shall be elected each year in each ward, to hold for the term of two years. If there be a tie in the above case, the matter is to be determined by lot.

*Amendment to Charter enlarging city limits, etc., approved July 14th, 1876.

†By the Act approved March 14th, 1876, *post*, it is provided that cities organized and existing under special Charters, shall, at their regular annual election, elect one City Assessor, and by Chapter 12 of Acts of 1868, cities under special Charter are authorized to elect Police Judge.

ARTICLE III.

DUTIES AND POWERS OF MAYOR—IS EX-OFFICIO JUSTICE OF THE PEACE—IS PRESIDING OFFICER OF COUNCIL—POWER TO APPOINT PRESIDENT PRO TEM., AND HIS POWERS.

8. To see the laws and ordinances of the City executed and enforced; to superintend and direct the official conduct of subordinate officers; keep seal of City, and sign and seal all commissions, licenses and permits; and to discharge such duties as pertain to the office, or may be imposed by ordinance.

9. Is *ex-officio* Justice of the Peace. Jurisdiction. Fees.

10. Appeal may be taken from judgments and decisions of Mayors.

11. Is the Presiding officer of the Council. May give casting vote in case of tie. When Council may appoint President *pro tem.*

12. When Justices of the Peace of Bloomington township may act in cases arising under City Ordinances. President of the Council *pro tem.* has same powers as Mayor, except to act as Justice of the Peace.

SEC. 8. It is the duty of the Mayor to see that the laws and ordinances of the city are executed, and their violations punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the city, and to sign and seal all commissions, licenses and permits granted by the City Council, and perform such duties and exercise such powers as pertain to the office of a Mayor of a city, and such as may be granted by the ordinances of the city, consistent with law.

SEC. 9. He is by virtue of his office, a Justice of the Peace, and is invested with exclusive original jurisdiction of cases arising under the ordinances of the city,* with criminal jurisdiction of the offences against the laws of the State committed within the city, and with civil jurisdiction limited to the city in the same manner as that of justices is, or may be, limited to their townships, and he will not be disqualified to act in such judicial capacity by any proceeding being in the name of or in behalf of the city. He will be entitled to demand and receive in civil actions, and in actions for the breach of the laws of the State, such fees as are at the time allowed by the law to a Justice of the Peace.

SEC. 10. Appeals to the District Court, in the same county, shall be allowed [from] the judgment and decisions of the Mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner.

SEC. 11. He shall be the presiding officer of the City Council when present, and shall give the casting vote when there

*The original Charter of the city gave the Mayor *exclusive* original jurisdiction in cases arising under the ordinances, but Chapter 12 of the Acts of 1870, *post*, authorizes cities acting under special Charters to elect Police Judges, who have jurisdiction in all cases arising under the ordinances of the city electing them. See Police Judge, *post*.

is a tie. In his absence the Council may appoint a President for the time being.

SEC. 12. In case of the absence of the Mayor of the City of Muscatine from the city, and in case of his inability to act as a justice, any Justice of the Peace in the township of Bloomington may take cognizance of cases arising under the ordinances of the city; such absence or inability being made to appear upon the docket of the justice. And in like cases of the absence or inability of the Mayor, the President of the Council *pro tempore* shall have authority to sign ordinances and orders on the Treasurer, and to administer oaths, and do all other things pertaining to the office of Mayor, (except acting as a Justice of the Peace,) stating, in connection with his signature, the absence or inabilty of the Mayor.*

ARTICLE IV.

THE CITY COUNCIL—ITS POWERS AND AUTHORITY—DISABILITIES OF MEMBERS OF THE COUNCIL.

13. City Council consists of Mayor and Aldermen, and is vested with legislative authority.

14. May hold meetings as it may see fit, but meetings must be public.

15. Majority necessary to make quorum. Is the judge of the election and qualification of its own members. May compel the attendance of members. Must keep record of its proceedings.

16. General enumeration of powers.

17. When and to what office members of the Council are ineligible. Cannot be interested in any contract or work done for the City.

SEC. 13. The legislative authority of the city is vested in a City Council, consisting of the Mayor, and a Board of Aldermen, composed of two from each ward of the city.

SEC. 14. The Council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meetings shall be public.

SEC. 15. A majority of the Council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings, in such manner and by such penalties as it may adopt; and it shall cause a record of its proceedings to be kept.

SEC. 16. The Council is invested with the following powers: 1st. To make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to

*Amendment to Charter, approved January 22d, 1853.

suppress riots, drunkenness, gambling, and indecent and disorderly conduct; and, generally, to provide for the safety, good order, and prosperity of the city, and the health, morals, and convenience of the inhabitants.

2d. To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the Mayor,* as in the case of a complaint before a Justice of the Peace, and the laws of the State in relation to carrying into effect a judgment of a Justice of the Peace, under a complaint, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

3d. To establish and organize fire companies, and provide them with engines and other fire apparatus.

4th. To regulate the keeping and the sale of gunpowder within the city, and to provide that no building of wood shall be erected within such parts of the city as may be designated, and to declare such buildings a nuisance and cause their removal.

5th. To have the control of the landing on the Mississippi river, and build wharves and regulate the landing, wharfage, and dockage of boats and all water crafts, goods, lumber and other things landed at, or taken [away] from the same: *Provided*, nothing in this section shall be [so] construed as to affect the rights of the State or counties, nor to prevent the the County of Muscatine from granting ferry charters in said county.

6th. To exercise exclusively the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard-tables, ball and ten-pin alleys, and places where any games of skill or chance are played. But this power extends to no exhibition of a properly literary, scientific, or artistical character—and when the law of the State permits license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the Council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the State at the time existing; and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the city require it.

7th. To make all requisite ordinances in relation to the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or fill up

*See Police Judge, *post*.

the same, and in default thereof, after a reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes ; but the owner may redeem the same as in that case.

8th. To regulate cartage and drayage within the city, and may license therefor ; and may also make a prohibition of animals running at large within the city.

9th. To provide for the establishment and support of schools in the city when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

10th. To audit all claims against the city—to provide for the keeping of the public money of the city, and the manner of drawing the same from the treasury ; and all officers of the city are accountable to the Council in such manner as it directs—and it is the duty of the Council to publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to or from the same.

11th. To establish the grades of the streets, alleys and wharfs, and to change that of wharfs at pleasure, and whenever they may deem it expedient for the public interests of the city, to alter the width, course or grade of any street or alley.*

12th. To prescribe the manner of calling the meetings of the citizens, except for the election of officers.

13th. To appoint in such manner as it determines, and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable ; and may prescribe their duties, powers and qualifications ; and may provide for the election of any of those officers by the citizens.

14th. To cause the streets and alleys of the city to be paved, and the pavements to be repaired ; and to that end it may require the owners of the lots adjacent to which it is to be done, to pave or repair one-half in width of the street contiguous to their respective lots ; and in case of neglect after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor as for a tax, subject to the same right of redemption.

*Amendment to Charter, approved January 24th, 1855. Same approved July 14th, 1856.

15th. To borrow money for any object in its discretion, if at a regularly notified meeting, under a notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

16th. To fill vacancies occurring in any of the city officers by appointment of record, to hold, in case of elective officers, until the next regular election and the qualification of the successor.

SEC. 17. No member of the City Council shall be eligible to any office in the gift of the Council, during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract, or job, of work, or service to be performed for the city.

ARTICLE V.

ORDINANCES.

18. Must be signed by the Mayor and attested by the Recorder, and published ten days before they take effect. Must be recorded in a book for that purpose, signed by the Mayor, and attested by Recorder.

19. Affidavit of publisher of newspaper *prima facie* evidence of publication.

SEC. 18. Ordinances passed by the City Council shall be signed by the Mayor and attested by the Recorder, and before they take effect be published in one or more newspapers printed in the city at least ten days, or be posted in each ward for fifteen days; they shall be recorded in a book to be kept for that purpose, and signed by the Mayor and attested by the Recorder.

SEC. 19. An affidavit made by the Recorder, Marshal or Mayor, or by the printer or publisher of a newspaper, in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the Mayor or any Justice of the Peace in the county of Muscatine, and filed in the Recorder's office, or made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated.*

*Amendment to Charter approved January 22d, 1853.

ARTICLE VI.

RECORDER AND MARSHAL.

20. Council may appoint, to hold office during pleasure of Council.
21. Recorder to keep a true record of proceedings of Council, and perform such other duties as the Council may require of him,
22. Marshal is conservator of the peace. Must execute process directed to him. May serve such process anywhere in the county. May quell riots and disturbances in the city and prevent crimes and arrest offenders therein. May appoint deputies with approval of Council. Fees.

SEC. 20. The Council of the said city shall have authority to appoint the Marshal and Recorder of the city, which officers shall hold their respective offices during the pleasure of the Council, and from whom or any of them, the Council may, by general ordinance, require bond.*

SEC. 21. The Recorder is required to keep a true record of all the official proceedings of the Council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the Council.

SEC. 22. The Marshal is made a conservator of the peace; he is the executive officer of the Mayor's court,† and shall execute and return all process directed to him by the Mayor, and in cases for the violation of the criminal laws of the State and of the ordinances of the city, may execute such process in any part of the county; he is invested with the same authority within the city to quell riot and disturbances, to prevent crimes and to arrest offenders, that the Sheriff has within his county. He shall perform such other duties as the Council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge; for the services of legal process he will be entitled to the same fees as a constable, and for services required by the Council, such compensation as it may allow.

ARTICLE VII.

ELECTIONS—HOW ELECTIONS ARE TO BE CONDUCTED—QUALIFICATION OF VOTERS—WHO ELIGIBLE AS OFFICERS—NOTICE OF ELECTION RETURNS.

23. How elections are to be conducted.
24. Who are voters.
25. Vote may be challenged.
26. No person eligible to an elective office unless a voter of the city and a resident thereof for the year next preceding the election.
27. Mayor must issue proclamation, specifying officers to be elected, and time and place of election.
28. Polls to be opened between 8 and 10 A. M., and to remain open until 4 P. M. Judges to make return to Council. Duties of Council.

SEC. 23. The election of the officers of the city shall be

*Amendment to Charter approved January 22d, 1853.

†And probably of the Police Judge's Court.

conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits.

SEC. 24. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers to vote, ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all elections thereof.

SEC. 25. A person offering to vote may be challenged as in the elections in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

SEC. 26. No person shall be eligible to any elective office mentioned in this act, unless he be a voter of the city, and have been a resident thereof one year next preceding his election.

SEC. 27. For all elections for city officers the Mayor is directed to issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time and place, or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election, or instead thereof, he may cause a copy to be published in a newspaper printed in the city, the same length of time.

SEC. 28. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon; within two days after the election, the judges of the election shall make their returns to the City Council, who shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

ARTICLE VIII.

OFFICERS OF THE CITY TO TAKE OFFICIAL OATH AND GIVE BOND.

29. Requisites of oath officers are required to take.
30. Council may require bond.
31. Officers may by ordinance be required to perform duties additional to those prescribed in Charter. Ordinances may fix compensation and provide penalties.

SEC. 29. The Mayor, Aldermen, Marshal, Treasurer, Recorder, Wharf Master and Assessor, shall take an oath to support the constitution of the United States and of the State

of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability; the oath of office may be administered by the Mayor or Recorder, when he is qualified; and in the transaction of the business of the corporation, those officers and the president for the time being, may administer oaths, which shall be of the same effect as if administered by other officers authorized thereto.

SEC. 30. Such of the officers as the Council determines shall give bond in such penal sum, and with such condition, as may be prescribed, and to be approved as required.

SEC. 31. The duties of all the officers, (in addition to the duties herein prescribed,) shall be such as are provided by ordinances, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for violation of duty, (except as herein provided,) as the ordinances may prescribe.

ARTICLE IX.

ASSESSMENT, LEVY AND COLLECTION OF TAXES.

32. Council authorized to levy taxes on all property in the city subject to taxation. May tax dogs or prohibit their being kept in the city.

33. Latest county assessment to form the basis of city assessment; but City Assessor may add thereto any property omitted.

34. The Collector to give thirty days notice of the assessment and levy of the tax, and the rate thereof.

35. Assessment may, on application to the Council, within thirty days, be corrected, if erroneous.

36. Mayor to affix his warrant to tax list, but warrant and list a justification to Collector.

37. Collector may distrain personal property liable to taxation, if taxes are not paid within a reasonable time after demand.

38. Taxes on real property to be a lien thereon, and it may be sold therefor.

39. Sales must be made at public auction, and on thirty days' notice.

40. Collector to execute deed to purchaser, if property is not redeemed.

SEC. 32. The Council shall appoint* an Assessor for the city who shall be sworn to perform the duties of his office faithfully and impartially, and whose duty it shall be to make an assessment of all the property within the city which is subject to taxation, including improvements on real property, and upon whose assessment the Council is authorized to levy and collect annually taxes not exceeding one per cent. on the value of all such property.† The Council may also levy a tax on dogs, or prohibit their being kept in the city.

*Amendment to Charter approved January 22d, 1853.

†Amendment to Charter approved January 22d, 1853. But Section 15, of Chapter 116, of Acts of 1876, *post*, authorizes cities acting under special Charters, and having a population of not more than fifteen thousand inhabitants, as shown by the last State census, to levy an annual tax not exceeding *three* per cent. for the payment of its annual expenses and bonded indebtedness.

SEC. 33. The latest county assessment roll shall form the basis of the assessment, but the City Assessor may add thereto any property omitted, assessing the same himself.

SEC. 34. The collector shall, before proceeding to collect the taxes, give thirty days' notice of the assessment and levy of the tax, and the rate thereof, in general terms, without names or the description of property, in a newspaper printed in the city, if there be one, and if none, then by two written notices posted in public places in each ward.*

SEC. 35. During the thirty days, any person aggrieved by his assessment or taxation, may appear before the Council, which may correct the same, if found erroneous.

SEC. 36. The Mayor shall affix his warrant to the tax-list, in general terms, requiring the collector to collect the taxes therein according to law, and such warrant and list shall be a a justification to the collector.

SEC. 37. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same, as the county collector may sell in like cases.

SEC. 38. Taxes on real property shall be a lien thereon, and it may be sold therefor, (if no personal property be found,) when the taxes remain unpaid for four months after the publication of the notice of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed [owner] be found in the city.

SEC. 39. Such sales must be at public auction, and there must be thirty days notice prior thereto, given as above provided for notifying the assessment and tax; and in such sale, he who bids to pay the amount due for the least quantity of the land, will be the highest bidder; and the manner of ascertaining the portion purchased, shall be as directed in the State revenue law now or hereafter existing.

SEC. 40. The Collector shall execute and deliver to the purchaser a deed running in the name of the State, which shall have the same force and effect as the deed of the Treasurer of the county on sales for county and State taxes under

*By the original Charter the Marshal was made the Collector of taxes, but by votes of the people (1859 and 1862) the Charter was amended in this particular, and in the last-named year the office of City Collector was created. Section 3, of Chapter 111 of the Acts of 1868, authorized cities, acting under special Charters, to have their taxes collected by the County Treasurer. The City of Muscatine availed itself of this provision, and since 1868, its taxes have been collected by the Treasurer of the county.

the law existing at the time. The land may be redeemed within one year from the day of the sale, by the payment of the purchase money and ten per cent. thereon, with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent, or the Treasurer of the city.*

ARTICLE X.

STREETS AND ALLEYS.

41. Owners of property injured by alteration in the width, course or grade of any street or alley, may have his damages assessed by Board of Commissioners, when application for damages is made to them.

42. Board of Commissioners to be appointed by County Judges, and to consist of three disinterested resident property holders of said city.

43 City Council may apply to Board of Commissioners to have damages assessed when owner of property fails to apply.

44. Taxes collected for improvement of streets and alleys, to be expended in the different wards, in proportion to the amount of tax levied and collected in such ward respectively.

45. City Assessor to return assessment of property by wards.

46. Any taxes left after paying current expenses and debts, to be expended on streets and alleys, and divided *pro rata* in the different wards.

SEC. 41. That if any property holder shall be injured by any alteration made by Council in width, course or grade of any street or alley, such person may make application to the Board of Commissioners for the assessment of damages (to be appointed as hereinafter provided) who, upon such application shall give ten days notice in the newspapers published in said city, in case the claimant be a resident of said city, or twenty days in case the claimant be a non-resident, stating the time and place of meeting and the object of the same, and at the same time specified in said notice, said Commissioners shall proceed to view and assess the damages done by reason of such alteration and improvement, and shall, within five days thereafter make an award and return the same to the County Judge of Muscatine county, who shall enter judgment thereon, (if approved,) and said judgment shall be final.

SEC. 42. That the said City Council, or persons interested, may, whenever they may deem it necessary, make application to the county judge of said county, who shall appoint three disinterested property holders, resident in said city, who are

*Various acts of the Legislature have made some important changes in the mode by which the collection of municipal taxes can be enforced, the penalty annexed to delinquent taxes, the time in which redemption may be made, and the effect, of the Collector's deed. Chapter 116, of the Acts of 1876, *post*, authorize the City Council of any city acting under a special Charter, by ordinances, to make full provision for the collection of taxes, special as well as general, by sale of property, imposition of penalties, etc.

hereby constituted a Board of Commissioners for the assessment of damages, which Board, or any member thereof may, for good cause shown, be removed, and the vacancy occasioned thereby filled by said County Judge.*

SEC. 43. That in any case, where by reason of such alteration, any claim for damages may arise, and the ——— thereof shall neglect to apply to said Commissioners, the City Council may make such application and the proceedings thereon shall in all respects be the same as specified in the second section of this act.†

SEC. 44. That all taxes hereafter levied and collected in the City of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to the amount of tax levied and collected in such wards respectively.

SEC. 45. For the purpose of putting the above provision into execution, it shall be the duty of the City Assessor to return to the City Council, at the same time that he returns his assessment of property in said city, the total amount of the taxable property in each ward separately, which shall form the basis for making the apportionment of moneys to be expended in the respective wards.

SEC. 46. After paying all the current expenses and debts of said city due for the fiscal year, the excess of taxes collected in said city to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro rata in the different wards thereof.‡

ARTICLE XI.

AUCTIONEERS.§

47. Can impose license on auctioneers.

48. May require auctioneer to give bond conditioned that he will render a true account of all sales made by him, and promptly pay to the city all taxes due the city on such sales. If city taxes for current year have been paid, no additional tax required.

49. Judicial sales, and sales made by legal representatives of deceased persons, not subject to auctioneer's tax.

SEC. 47. The Council shall be authorized to impose license upon all persons exercising the business or calling of an auc-

*The office of County Judge was abolished in 1868. Section 13 of Chapter 86, Acts of 1868, after enumerating certain things in respect to which the Circuit Court shall have original and exclusive jurisdiction, adds "of all other actions and proceedings of which the County Judge or County Court now has jurisdiction." Section 9 of Chapter 116, Laws of 1866, *post*, gives to the City Council the power to appoint these Commissioners.

†Sections 40, 41 and 42 are taken from amendment to Charter, approved January 24th, 1855.

‡Sections 43, 44 and 45, amendment to Charter, approved January 26th, 1857.

§Amendment to Charter approved January 26th, 1857. See further—Chapter 97 of Laws of 1862, *post*; also Section 14, of Chapter 116 of Laws of 1876, *post*.

tioneer within the said city, in such sum as the said Council may determine, and upon such conditions as the said Council may see proper to affix.

SEC. 48. That said City Council shall have power to tax and regulate auctioneers in their calling, and to require each and every person so exercising the business of an auctioneer, as aforesaid, to execute to the said city a bond with security, to be approved by the said City Council, conditioned that he will render a true account of all sales made by him, and promptly pay over to the said city all taxes which may become due to the said city from the sales so made by him as auctioneer. *Provided*, That nothing in this act shall be construed so as to charge any property in the city, upon which the city taxes for the current year have been paid, with any additional tax.

SEC. 49. That said City Council shall have full power and authority to pass all ordinances that may be necessary to give force and effect to this act, judicial sales made by a legal officer, and sales of the property of a deceased person, by his legal representative being exempted from its operation.

ARTICLE XII.

AMENDMENT TO CITY CHARTER ENLARGING CITY BOUNDARIES, ETC., APPROVED JULY 14, 1856.*

50. City may form two road districts, when Council so determine. Road tax payable as Council may direct.

51. Council authorized to extend streets and alleys through the territory annexed. Full compensation to be made to the owners of property taken in making such extension.

52. Council may make changes in the shape and width of any streets or alleys in old or new city limits. May shut up old and make new streets and alleys. Compensation to be made for property taken, or damages sustained on account of change.

53. Lands not laid out in lots or out lots to be taxed by the acre, according to its value for agricultural, horticultural, mining or other purposes. Improvements to be taxed at their full value.

54. Full power to establish grades for streets and alleys in new limits. May make such grades conform to grades of old streets or not. City not liable for damages to buildings done by grading in new limits, unless such building was erected before grade was established.

SEC. 50. That said City of Muscatine, as above bounded, may hereafter form two road districts, the boundaries of which shall be determined by the City Council, and until so determined it shall constitute one road district, and the road taxes assessed by the county authorities upon the persons and property in said city, shall hereafter only be payable to such

*The first section of this Act enlarging the city limits simply describes the boundaries of the city. This has been given in Section 4, *ante*, and hence is not repeated.

persons as the City Council may authorize to receive the same. And the County Collector is hereby prohibited from paying said road taxes to any other person or officer than such as shall be authorized to receive and receipt for the same by the City Council.

SEC. 51. That it shall be competent for the Council of said city to take any steps which they may deem necessary to secure the extension of the present streets and alleys of the old city limits through the grounds which by this act are added thereto. *Provided*, That in no case shall such extension be made and dedicated to the use of the public without the city being liable for full compensation to the owners of all such property as may be thus taken and dedicated.

SEC. 52. That it shall and may be lawful for the City Council of said city to make any changes in the shape and width of any streets or alleys of said city, either in the old or new limits; to shut up old and make new streets and alleys. *Provided*, That in all and every such case the said city shall be liable to make full compensation at the fair cash value to the owners of all property which shall be thus taken for public use, and for all damages which the owners may sustain by any change which said City Council may at any time see proper to make.

SEC. 53. That all lands lying within the territory hereby brought into the city, and not laid out in lots or out lots, shall not be assessed or taxed otherwise than by the acre, according to its value for agricultural, horticultural, mining or other purposes; but improvements thereon may be taxed their full value.

SEC. 54. The City Council shall have full power to establish grades for contemplated streets and alleys in the new limits, and make such grades conform to the grades of the old limits of said city, or not, as they may deem advisable, and said city shall not be liable for any damage done to buildings by grading in the new limits, unless said buildings shall have been erected before the establishment of the grades in this section contemplated.

ARTICLE XIII.

MISCELLANEOUS.

55. Charter to be submitted to the vote of citizens for acceptance or rejection.
56. Authorities of the town of Muscatine to continue until city officers are elected.
57. Act is a public act.
58. Repealing all previous acts of incorporation and amendments thereto.

SEC. 55. On the passage of this act, the President and Trustees of the town of Muscatine, are required to cause a vote to be taken on the acceptance of this Charter, in the manner in which the elections of the town are now called and holden, in which the vote shall be "for the charter," or "against the charter," and shall be taken by ballot; and if the vote be in favor of its acceptance, such result shall be declared and be entered on the record of the present town, and thenceforth the same is accepted.

SEC. 56. The existing authorities of the town of Muscatine will continue until an election is holden for the choice of city officers, and the organization of the city, and the town authorities shall cause an election to be holden on the first Monday of March, 1851, for the election of city officers; but if this act does not take effect a day sufficiently early for the above proceedings to take place as early as the day above-named, then the question above-provided for may be taken after the said first Monday of March, but the officers then chosen, will hold as if elected on the above-named day, and the succeeding annual elections shall be holden as in this act before provided.

SEC. 57. This act shall be taken and may be pleaded as a public act.

SEC. 58. An act entitled "an act to incorporate the town of Bloomington," approved January 23d, 1839; an act entitled "an act to amend an act entitled an act for the incorporation of the town of Bloomington," approved February 18th, 1842, and an act entitled "an act to amend an act entitled [an act] to incorporate the town of Bloomington, approved January 2d, 1836," approved January 14th, 1846; and an act entitled "an act to amend an act entitled an act for the incorporation of the town of Bloomington, approved January 23d, 1839," approved January 12th, 1849, are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals created or arising under the acts so repealed, are not to be effected by this repeal.

ORDINANCES.

CHAPTER I.

ACCOUNTS.

AN ORDINANCE in relation to accounts, books and finances.

1. Demands against the city. How presented.
2. Council to audit such claims. Referred, when.
3. Warrant issued when claim allowed.
4. Claims and receipts to be filed.
5. Accounts shall be drawn by the Recorder.
6. Recorder shall be the city accountant.
7. Books shall be kept. How.
8. Appropriations. Account of, how kept.
9. Accounts how kept.
10. Same.
11. City finances.
12. Bills receivable.
13. Statement of city finances to be made by Recorder.
14. City taxes to be collected by County Collector.
15. Account of taxes.
16. Pay over monies to Treasurer once a month.
17. Shall make report monthly.
18. Money. By whom kept and disbursed.
19. Shall give receipts.
20. Books and accounts.
21. Separate account.
22. Register of warrants.
23. Marshal. Shall pay over monies.
24. Shall keep suitable books.
25. Warrants. How issued.
26. Recorder shall attest.
27. Shall provide printed warrants.
28. Shall keep a register.
29. Wharf. Wharf Master to collect monies, etc.

Be it ordained by the City Council of the City of Muscatine:

SECTION. 1. That all demands against the city shall be presented to the Council, through some member thereof, in proper form and in writing.

SEC. 2. The Council shall, at its stated sessions, or by a vote of the Council at any other session, audit and adjust all claims against the city so presented, and may examine witnesses under oath or affirmation, or demand and examine any books or papers relating to the same. *Provided*, That at their discretion any account or claim may be referred to a special committee, to report at the next stated or special session.

SEC. 3. When any account or claim is so audited or adjusted, if a balance be due the person or persons presenting the same, the Council shall order the Recorder to issue a warrant to said person or persons on the Treasury for the amount, the account being receipted, and the check duly filled up and signed.

SEC. 4. The Recorder shall file and preserve all claims and accounts thus adjusted, and all receipts.

SEC. 5. All accounts and claims of the city against individuals, companies, etc., shall, by order of the Council, be made out or drawn up by the Recorder, and placed in the hands of the Marshal, unless otherwise ordered, who shall proceed to adjust and collect the same, as directed by the Council.

SEC. 6. The Recorder shall be the city accountant, and shall keep all books relating to the finances provided for by this, or any other ordinance, unless otherwise ordered by the Council.

SEC. 7. He shall keep a general ledger in which the accounts of the city shall be kept. The city shall be represented in said book by the term "revenue," and all monies coming into the treasury shall be carried to the revenue, specifying the source from which the same is derived, and the revenue shall be charged with all appropriations, specifying on what account the appropriation is made.

SEC. 8. When any appropriation is made for a specific purpose, to be drawn from the treasury, as may be required for said purpose, he shall open an account with such appropriation, to be represented as "appropriation for ——" (as the case may be), and shall credit the account by the amount of appropriations thereto, and debit the same by the amount of warrants drawn thereon. But if said appropriation is placed in the control of a committee, then he shall open his account with said committee, charging it with the amount appropriated, and crediting it by all sums which the Council shall decide to have been lawfully expended thereof.

SEC. 9. He shall keep the account between the city and the City Treasurer, charging him with all monies received into the treasury, specifying the source, and credit him by all warrants, vouchers, or other proofs of disbursement, presented by him at the time of making his reports, and which the Council shall have decided as legal and authorized.

SEC. 10. He shall, in like manner, keep the accounts between the city and all officers, persons or bodies corporate, who may have the collection, care or disbursement of any monies for the city, charging the same with all collections to

be made, or blank licenses or certificates issued, and crediting by the Treasurer's receipts, proper vouchers, or blanks returned.

SEC. 11. He shall keep in a proper book a detailed and specific statement of the city finances—entering under separate heads the amount received from each distinct source of revenue, as for example, taxes, licenses, fines, wharf, grave yard, etc.—and shall include under the general head of "miscellaneous," all items of incidental revenue, specifying from what the same is derived.

SEC. 12. He shall keep an account of all debts due to or from the city, and a bill-book, in which he shall enter all bonds, notes, bills, or other obligations, payable or receivable by the city, with the name by or to whom the note and interest, and the time or times when interest and principal are payable.

SEC. 13. The Recorder shall furnish the City Council, at all times when directed, a statement of the whole condition of the city finances. The Council may at any time, by themselves or committee, examine the books of the Recorder, or any other officer, or any accounts, vouchers, records or documents in the keeping of any officer of the city—and any officer interested may at any time examine, in his presence, the books and papers in the Recorder's office relating to the finances.

THE CITY COLLECTOR.

SEC. 14. The City Collector shall receive all monies for all city taxes, except in cases where the city may bring a civil action for the collection of the same.

SEC. 15. He shall keep a regular account of all taxes paid to him in a book kept for that purpose, and enter the same up to the particular fund on account of which such taxes have been paid.

SEC. 16. He shall pay over to the City Treasurer, at least once in every month, all the monies received by him for city taxes, and take therefor the Treasurer's receipt in a book kept for that purpose, which receipt shall show how much money the Treasurer has received on each fund.

SEC. 17. He shall make full monthly reports to the City Council.

THE TREASURER.

SEC. 18. The City Treasurer shall receive, keep and disburse all monies belonging to the city, paying the same out

only upon warrants properly drawn and signed as herein provided.

SEC. 19. He shall give to every person paying funds into the treasury, a duplicate receipt therefor, specifying the date of payment, upon what account paid, and whether in money or warrants.

SEC. 20. He shall keep, in a set of books, a full and accurate account of all monies received and disbursed by him on account of the city, specifying the date of receipt and disbursement, of whom received and to whom disbursed, and on what account received and disbursed.

SEC. 21. He shall keep a separate account of each fund or appropriation, as directed by the Council.

SEC. 22. He shall keep a register of all warrants paid into the treasury, specifying the date, number, amount, to whom issued, and on what account; and shall immediately cancel the same upon the face thereof, stating the date, and return the warrants so cancelled by him as vouchers to the City Council at the time of making his reports; but he shall have no credit for any warrant not properly drawn and signed, as provided in the 26th section of this ordinance.

THE MARSHAL.

SEC. 23. The Marshal shall pay over to the Treasurer promptly all monies received by him, belonging to the city, taking the receipt of the Treasurer therefor.

SEC. 24. He shall keep in suitable books full accounts of all collections made by him, specifying by whom paid, and for what purpose, and report to the Council as often as once a month.

WARRANTS.

SEC. 25. No warrant shall be issued except by order of the Council. Such order shall specify to whom the warrant shall issue, in what amount and against what fund.

SEC. 26. The Recorder shall fill up and attest all warrants as ordered, and issue the same, having first obtained the signature of the Mayor thereto, to the proper person, taking his receipt upon the check, and filling up the same to correspond with the warrant.

SEC. 27. The Recorder shall provide himself, at the expense of the city, with neatly printed blank warrants, with a check to each, and shall have the same bound in a book, and preserve therein the check for his voucher.

SEC. 28. The Recorder shall keep a register of each warrant issued by him, to correspond with his check, and shall

note upon such register the cancellation of all warrants and orders redeemed and returned by the Treasurer.

THE WHARF FUND.

SEC. 29. The Wharf Master shall collect in money all sums fixed by ordinance as wharfage, on the various kind of craft, which, by ordinance, are made liable for wharfage. He shall execute receipts for all monies paid him, as wharfage, and after retaining therefrom the percentage allowed him by ordinance for making the collection, he shall pay over the residue to the City Treasurer on the fifteenth day of each month. He shall make regular monthly reports to the Council, such reports coming up to and including the fifteenth day of each month, in which he shall set forth the name and description of each craft or vessel from which he has collected wharfage, and the amount so collected from each of said craft, and date of the same. The Council shall compare his report with that of the report of the Register of Boats.

CHAPTER II.

ANIMALS. HORSES, SWINE AND CATTLE.

AN ORDINANCE in relation to animals running at large.

1. Horses, swine and cattle, except milch cows, not permitted to run at large.
2. Marshal to take up and impound.
3. Marshal to sell animals taken up by him. Must notify owner, if known to him, and a resident of the city. Must advertise sale.
4. Must release animals taken up to owners, if claimed before sale, and charges paid. If animals sold, excess of charges to be paid to Treasurer. Duty of Treasurer.
5. Fees of Marshal.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That all horses, jacks, mules, swine, and cattle (except milch cows) running at large in the City of Muscatine, are hereby declared nuisances.

SEC. 2. It shall be the duty of the Marshal to take up and impound in some safe enclosure, any of the animals, above specified, so found running at large.

SEC. 3. When any of the animals aforesaid are thus taken up by the Marshal, he shall sell the same at public auction to the highest bidder for cash, after giving three days' notice of time and place. Such notice shall give the number and kind of animals so taken up and advertised for sale, and any brands thereon that can be easily seen, and shall require the owner to claim and prove property before the hour fixed for the sale. Such notice

shall be by advertisement in some newspaper printed in the city. If the Marshal shall, at the time of taking up any of said animals, know to whom they belong, and such owner resides in the city, the Marshal shall immediately notify such owner that such animal has been taken up and impounded, and shall surrender the same on payment of charges and costs.

SEC. 4. If such animal or animals are claimed on before the hour fixed for sale, the Marshal shall release the same on payment of all costs and charges then due, but if the same are not so released they shall be sold in accordance with said notice, and the money arising from said sale, after the expense of taking up, keeping, advertising and selling the same, are deducted, shall be paid to the City Treasurer, to be held by him for the use of the owners of the respective animals, so sold, and to be paid over by him upon satisfactory proof of such ownership. If, however, such claim is not made within six months from the day of sale, the money so held by the Treasurer, shall be paid into the city treasury, and become the property of the city.

SEC. 5. The Marshal shall be entitled to charge fifty cents for each of the above named animals taken up and impounded by him, and ten cents a day for each hog or pig, and twenty-five cents a day for each horse, mule, jack, or animal of the cow kind, for each day the same shall remain in his charge. He shall also be entitled to charge ten cents for selling each pig or hog under the authority of this ordinance, and twenty-five cents each for any of the other animals.

CHAPTER III.

CITY ASSESSOR.

AN ORDINANCE in relation to the office of City Assessor.

1. City Assessor to be elected at the regular annual election of city officers.
2. Must qualify before entering upon duties of his office.
3. When assessment must be returned to the Council. What it shall exhibit.
4. Must return names of all persons subject to poll tax.
5. To deliver all papers to his successor in office.
6. Compensation.
7. Vacancy. How filled.

Be it ordained by the City Council of the City of Muscatine:

SECTION. 1. That at the regular annual election of city officers, on the first Monday of March, there shall be elected an Assessor for city purposes, who shall hold his office for the term of one year.

SEC. 2. Before entering upon the duties of his office, he shall take an oath or affirmation to support the Constitution of the United States and of the State of Iowa, and to discharge the duties of his office faithfully and impartially, and to the best of his judgment and ability. He shall also execute a bond to the city, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall be submitted to the Council for its approval.

SEC. 3. It shall be the duty of the City Assessor to make out and return to the Council, an assessment of the real and personal property in said city, subject to taxation for county purposes, on or before the 15th day of June in each year. His assessment shall exhibit a list of all such property, with the value thereof, and the names of the persons or bodies assessed therewith. He shall also perform such other duties as the Council may, by order or resolution from time to time require of him.

SEC. 4. It shall be the duty of every person in the city, subject to taxation, to assist the Assessor in making out a list of his property, or of any property of which he has the custody and control, which is subject to city taxation, and if any person shall refuse to assist in such listing, or to make the oath required in the next section, the Assessor shall assess such persons according to the best information he can get.

SEC. 5. It shall be the duty of the Assessor to administer an oath or affirmation to each person assessed, to the effect that he has given in a full, true and correct inventory of all the taxable property owned by him, or which is in his custody or under his control, to the best of his knowledge and belief, and should it afterwards appear that any person making such oath has not given a full list of his property subject to taxation, or of that which by law it was his duty to list, any property so omitted, shall be entered on the book at double its ordinary assessible value.

SEC. 6. In making out the annual assessment for taxation, it shall be the duty of the Assessor to return therewith, the names of all persons liable to do work on the streets, designating the same in a proper column opposite such names by the word "poll."

SEC. 7. It shall be the duty of the Assessor to deliver over to his successor all property of the city which may come into his hands by virtue of his office.

SEC. 8. As a compensation for his services in making out the assessment and any other duties imposed upon him by the city, the Assessor shall be paid an annual salary of three hundred and fifty dollars.

SEC. 9. When from any cause a vacancy arises in the office of City Assessor, the Council shall fill such vacancy, and the person so selected shall hold until the next annual election for city officers.

CHAPTER IV.

CITY ATTORNEY.

AN ORDINANCE relating to the office of City Attorney, and defining his duties.

1. Office of City Attorney created.
2. When, how, and for what time appointed.
3. Must take and subscribe oath.
4. Must prosecute and defend suits for or against the city.
5. Is legal adviser of the city. Shall prepare drafts of ordinances, contracts, etc., for the city.
6. Compensation.

Be it ordained by the City Council of the City of Muscatine :

SECTION. 1. That there be, and there is, hereby created the office of City Attorney.

SEC. 2. That at the first regular session of the City Council in the month of June in each year, there shall be appointed by the Council a City Attorney, who shall hold his office for the period of one year and until his successor is appointed and qualified, unless sooner removed by the Council; and in case of vacancy in such office by death or any other cause, the Council shall fill the vacancy.

SEC. 3. The City Attorney shall before entering upon the duties of his office, take and subscribe an oath before the Mayor of the city, faithfully and impartially to discharge the duties of said office.

SEC. 4. The City Attorney when requested so to do by the City Council or the Mayor of the city, shall appear for the city and prosecute and defend all suits and proceedings, civil and criminal, in which the city may be a party or be interested. He shall prosecute and defend for the city all causes which may be appealed or taken by writ of error to the District or Supreme Courts of the State, in which the city may be a party or be interested.

SEC. 5. The City Attorney shall be the legal adviser of the city, and shall when required by the City Council, give his opinion in writing upon all questions of law, arising under the Charter or ordinances of the city. He shall also prepare proper drafts for contracts, forms, ordinances and other writ-

ing which may be required for the use of the city, and perform such other duties as appertain to the office of City Attorney.

SEC. 6. The City Attorney shall receive as compensation for his services, the sum of three hundred dollars per annum payable in equal quarterly installments out of the city treasury.

CHAPTER V.

CITY ENGINEER.

AN ORDINANCE creating the office of City Engineer and defining his duties.

1. Office of City Engineer created.
2. When, how and for what term elected.
3. Must take official oath.
4. Must preserve maps, plats, surveys and other papers, appertaining to his office.
5. When required by Council, must furnish estimates, plans, specifications, etc.
6. Must furnish grade of street, give corners of lots, etc., when applied to by any lot owner.
7. Duties with regard to instruments, books, maps, etc., belonging to the city.
8. Charges for doing work for citizens.
9. Shall appoint his own rodman. Council to fix his own and rodman's compensation.
10. City not responsible for anything done by the City Engineer in the employment of a private citizen.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there is hereby created the office of City Engineer.

SEC. 2. The City Engineer shall be elected by the City Council and hold his office for one year and until his successor is elected and qualified, unless sooner removed by the Council. The year to commence the first Monday of April annually, and if the office of City Engineer becomes vacant by removal, death, resignation or otherwise, it shall be the duty of the City Council to fill the vacancy by appointment.

SEC. 3. He shall before entering upon the duties of his office, take an oath or affirmation that he will faithfully and impartially perform the duties of City Engineer according to law, and that he will promote the true interests of the city generally.

SEC. 4. He shall preserve in his office all maps, plats, and surveys of the city, with all records, books, papers and other things relating to his office.

SEC. 5. He shall when required by the Council, make all surveys, together with all estimates, plans, specifications, etc.,

necessary to enable the Council to ascertain what work will cost when completed, and to perform such other duties connected with his office as the Council may require.

SEC. 6. He shall, when applied to by any lot owner or other person, for the purpose of grading or building, give such applicant the grade of the street, by his paying him the sum of one dollar and fifty cents for such service. He shall when applied to by any lot owner, give the corners, metes and bounds, and bearings of their lots as ascertained by actual survey, commencing at some known corner or monument of the original plat of the city; and for such services, the applicant shall pay the City Engineer two dollars.

SEC. 7. He shall have charge of all instruments, books, maps, plats, etc., etc., belonging to the city and pertaining to his office, and shall receipt to the Mayor for the same, and at the close of his term of office, shall deliver them to the Mayor with the addition of maps, plats, field notes, bench marks, etc., made by him during his continuance in office.

SEC. 8. He may do other work in his line for citizens within the limits of the city, not contemplated by this ordinance, and in the absence of a contract as to the price, shall not be allowed to charge more than five dollars per day.

SEC. 9. He shall appoint his own rodman, and for his own services and those of his rodman, he shall receive such compensation as the Council shall see proper to allow.

SEC. 10. In no case shall the city be bound by, or responsible for, any act done or for any work performed by the City Engineer, at the instance or under the employment of a private individual.

CHAPTER VI.

CEMETERY AND SEXTON.

AN ORDINANCE relating to the Cemetery and Sexton.

1. Sexton to be appointed by the Council for one year.
2. Sexton to dig grave when required; depth of grave; his duty when graves settle.
3. Charges for digging grave.
4. No grave to be dug in the cemetery except by permission of the Sexton. Exception. Penalty.
5. Sexton to keep register of burials; what it must contain. Report to Council.
6. Sexton to take care of cemetery and protect it.
7. Conditions in regard to burial in public burying ground.
8. Sexton to report to Council quarterly.
9. Price of lots. Deeds therefor. How to be executed.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the office of Sexton is hereby created; which officer shall be appointed by the Council for the term

of one year, and until his successor is appointed, unless sooner removed by the Council.

SEC. 2. It is the duty of the Sexton, when called upon to dig a grave, to comply promptly with such request. He shall dig graves six feet, at least, in depth, and attend to filling them up properly after the coffin is deposited therein; and if, from any cause a grave becomes settled, it is his duty to fill up the same, and make it in a proper form and decent condition.

SEC. 3. The Sexton is entitled to charge and receive two dollars for digging the grave of a person of ten years old and under, and three dollars for the grave of a person over ten years of age.

SEC. 4. No person shall dig a grave in the cemetery without the permission of the Sexton, or in case of his absence or disability, of the Mayor; and if any person violate the provisions of this section, he shall forfeit to the city any sum not exceeding ten dollars.

SEC. 5. The Sexton shall keep a register of all burials, containing the name and age of the individuals, and the dates and causes of death, if known, and report the same to the Council annually.

SEC. 6. The Sexton has the care of the cemetery, and shall keep it in order and in good repair. It shall be his duty to keep a good lock upon the gate, and to keep the gate locked, except during the time of a funeral; to keep posts set along the streets and around the circle, so as to prevent horses and carriages being driven out of said street and circle, and to keep the stakes marking the lots, standing, and in order.

SEC. 7. The Sexton shall permit no person to be buried in that part of the cemetery known as the public burying ground, who had not been a resident of the city for six months preceding his or her decease, except upon the payment of one dollar, for the use of the city, or upon the written permission of the Mayor; nor shall he be compelled to admit such person to burial until payment for his services in digging the grave, unless authorized so to do by the Mayor; in which case he shall charge the city his fees for digging such grave.

SEC. 8. The Sexton shall report quarterly to the Council the number of persons of the description mentioned in the preceding section, admitted to burial within the preceding quarter, and pay over, as the Council may direct, all money arising from such burials, for the use of the city.

SEC. 9. The lots in the cemetery may be purchased by individuals, at the rate of five dollars for each lot. Deeds for such lots shall be executed by the Mayor, and sealed with the seal of the city.

All deeds heretofore made for lots in the cemetery, under the authority of the city, are hereby confirmed, notwithstanding any informalities therein.

CHAPTER VII.

DOGS.

AN ORDINANCE in relation to Dogs.

1. Keepers of dogs running at large must have same registered. Must pay tax of two dollars for each dog, and five dollars for each bitch, and have collar on neck of animal with name or initials of owner thereon.
2. Tax to be paid to the Marshal.
3. Dog running at large without collar, or without payment of tax, consequence.
4. Recorder to keep register for dogs; fee for registering; duties and compensation of Marshal.
5. When Mayor may issue proclamation forbidding dogs to run at large. Fate of dogs disobeying proclamation.
6. Penalty for keeping vicious dogs.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. No person shall be entitled to keep a dog or bitch, and suffer the same to run at large in the city unless he conform to the following provisions : The owner shall cause his own name to be registered therefor by the Recorder, together with the name and description of the dog or bitch, and shall pay an annual tax of two dollars for each dog, and of five dollars for each bitch, and shall keep upon the neck of the dog or bitch, a collar of leather, tin or other durable material, with the name or initials of the owner, and the number of his registry, distinctly engraved or marked thereon.

SEC. 2. The owner of such dog, or bitch, may pay the above tax to the Marshal, and take his receipt therefor.

SEC. 3. Any dog or bitch found at large without such collar, and any registered dog, on which the owner has not paid his tax, on demand of the Marshal, or within the year without demand, shall be seized by the Marshal, and sold at public sale, on written notice of twenty-four hours, posted in one or more places in the ward in which the owner lives, if he be known to the Marshal. But any registered dog or bitch, on which the owner has neglected to pay his tax, or which is found without his collar, may be redeemed before actual sale, by the owner paying fifty cents to the Marshal, together with any tax that may be due.

SEC. 4. The Recorder shall keep a separate book for registering dogs, and may demand and receive from the owner twenty-five cents for each dog registered. The Marshal shall be entitled to seventy-five cents for each dog or bitch, seized and sold, if the sale produce so much, and if not, then fifty cents; the balance above the amount produced by the sale to be paid from the city treasury, and if no bids are offered by any person, at the time of such sale, the Marshal shall make bid in the name of the city, and shall proceed to slay or cause to be slain, every such dog or bitch, and remove the same from the limits of the city.

SEC. 5. The Mayor shall have authority, upon a reasonable apprehension of danger from mad or rabid dogs, to issue a proclamation forbidding dogs of every description from going at large within the city limits, except the same be securely muzzled; and after such proclamation shall have been issued a reasonable time, if any dog or bitch shall be found running at large in the city, unless so muzzled, the same may be lawfully slain by any police officer, and the owner or keeper thereof shall forfeit and pay to the city a sum not exceeding twenty dollars.

SEC. 6. Any person or persons keeping a dog or bitch notoriously vicious and dangerous, shall be fined in any sum not exceeding fifty dollars, to be collected and enforced as any other city penalties.

CHAPTER VIII.

ELECTIONS.

AN ORDINANCE in regard to City Elections.

1. Polls to be opened in each ward for the election of certain officers to be elected annually, on the first Monday of March. Polls to be opened and closed. When.
2. Police Judge to be elected. When.
3. Polling places, and Judges and Clerks of the election, to be selected twelve days before election. Judges and Clerks must be voters.
4. Judges and Clerks failing to attend; places of, how supplied.
5. Mayor to issue proclamation ten days before election. Requisites of proclamation, and how published.
6. Elections. How conducted.
7. Duties of Judges of Election, and of Council, and of Recorder in regard to canvass of votes, and result of election.
8. Who declared elected.
9. Terms of office.
10. Oath to be taken.
11. Who required to give bond.
12. Bonds to be filed. With whom.
13. Failure to qualify before next regular meeting of Council after election, office declared vacant. Office, how filled.
14. Vacancies in election. Office, how filled.
15. Provision when new ward is created.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That on the first Monday of March in each

year, a poll shall be opened in each ward of the city for the election of a Mayor, Treasurer, Assessor and Wharf Master, to be voted for by the electors of the city, and for the election of one Alderman from each ward, to be voted for only by the electors of such ward. Should there be a vacancy in the office of Alderman in any ward occasioned by the death, resignation, removal, or otherwise of the person elected to such office at the previous election, it shall be the duty of the electors of such ward, at such annual election, to elect some qualified person to serve as Alderman for the residue of the term. The polls shall be opened at 9 o'clock A. M., for the reception of ballots, and remain open until 4 o'clock in the afternoon.

SEC. 2. In addition to the officers named in the foregoing section, there shall be elected by the voters of said city at the city election in each even year, a Police Judge. Should there be a vacancy in the office of the Police Judge, from any cause, at the time of the annual city election, the electors of the city shall elect some qualified person to serve as Police Judge for the remainder of the term.

SEC. 3. The Council shall, at least twelve days before the said election, select a suitable polling place in each ward, and appoint three persons in each ward to act as judges of the election, and two persons in each ward to act as clerks of the election. The persons appointed to act as judges and clerks of the election shall be voters of the ward in which they are to act.

SEC. 4. If any judge of election or clerk, appointed under the preceding section, shall fail to attend at the time fixed herein for opening the polls, the judge or judges attending may supply his place from the electors present; and if no judge or clerk shall attend, then the electors present may appoint the judges of election, and the judges thus appointed shall select the clerks.

SEC. 5. It shall be the duty of the Mayor to issue his proclamation at least ten days before the election, naming therein the time of the election, and the polling places in the different wards, and the officers to be chosen at such election. Notice of such proclamation may be given by posting a copy thereof in each ward for the space of ten days before the election, or by the publication in some newspaper printed in the city for the same length of time.

SEC. 6. Such election shall be conducted in the same manner that elections for State and county officers are conducted.

SEC. 7. The judges of the election, in each ward, after having canvassed the votes given at any city election, in their respective wards, shall make returns thereof to the City Coun-

cil within two days after such election; the Council shall, on the third day after such election, open such returns, and shall ascertain the candidates elected, and shall cause an abstract of the votes cast to be made out and recorded in a book kept for that purpose. It shall be the duty of the Recorder to make out certificates of election to each of the candidates elected, and cause the same to be delivered to them, or left at their residence or place of business.

SEC. 8. The person receiving the highest number of votes cast for the officer voted for shall be declared elected.

SEC. 9. The officers so elected shall hold their offices for the term of one year, and until their successors are chosen and qualified, except Aldermen elected for the full term, and the Police Judge, who shall each hold for two years, and until their successors are elected and qualified.

SEC. 10. Each of said officers shall take an oath to support the Constitution of the United States, and of the State of Iowa, and that he will faithfully and impartially, and to the best of his ability and judgment, discharge the duties of the office (naming it) as required by the laws of the City of Muscatine.

SEC. 11. The Wharf Master, Assessor, Police Judge and Treasurer, shall each be required to give bond in such sum as may be fixed by ordinance, or may be designated by the Council.

SEC. 12. Said bonds when duly executed and approved by the Council, shall be filed with the Recorder. If the Recorder should be elected to any of the offices aforesaid, requiring a bond, then the bond for that particular office shall be filed with the Mayor.

SEC. 13. If any officer elected under this ordinance shall fail to qualify as aforesaid, on or before the next regular meeting of the Council after his election, the office shall thereby become vacant, and the election, so far as it relates to that officer, shall be of no effect, and the office shall be filled as though the vacancy had occurred by voluntary resignation.

SEC. 14. Any vacancy which may occur in any of the offices named in this ordinance, shall be temporarily filled by the Council as speedily as practicable, and the person selected by the Council to fill such vacancy, shall hold until the next annual election, and until a successor is chosen and qualified.

SEC. 15. In case of a new ward being created by the Council, the electors of such new ward, shall, at the first annual city election thereafter, elect two Aldermen from such ward, one of whom shall serve for two years, and the other for one year, the term of service to be determined by lot.

CHAPTER IX.

ELECTION CONTESTS.

AN ORDINANCE for the determination of Tie Votes and Contested Elections.

1. Mayor to call special meetings of Council to determine to whom office shall be given in case of tie.
2. Recorder to notify persons having such tie votes to appear at such special meeting.
3. How and by whom lot to be arranged.
4. Person intending to contest election, must do, what.
5. Cause of contest. What required when ground of contest is the receiving of illegal, or the rejection of legal votes.
6. Who may contest election.
7. Contestor to file bond; conditions of bond.
8. Recorder shall cause notice of contest to be served on the person declared elected. Incumbent to answer in five days.
9. How the court for the trial of contested elections shall be constituted.
10. Time for trial to be fixed by Mayor, or other presiding officer, and notice given to parties.
11. Judges to be appointed by the presiding officer, when.
12. Provisions of Code to be observed as far as practicable. Trial may be held in City Hall.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That whenever it shall appear from the returns of any municipal election, that two or more persons have received an equal, and the highest number of votes for Mayor, Alderman, or any elective municipal office, it shall be the duty of the Mayor, or acting Mayor, to call a special meeting of the Council for the purpose of determining, in the manner hereinafter prescribed, to whom the office shall be given.

SEC. 2. In all cases where there may be such tie vote the Recorder shall notify the Mayor of such tie vote, and shall issue a notice to the persons receiving such equal votes, and require them to appear at the special meeting of the Council, called by the Mayor for the purpose of determining by lot which of them is to serve.

SEC. 3. The lot shall be arranged by the Mayor, in the presence of the Council, and of the parties, if present. If the Mayor be one of the persons between whom such tie vote is to be determined, the Council shall appoint an acting Mayor, who shall arrange the lot. If any of the parties fail to appear, or to take part in the lot, the Mayor, or acting Mayor, as the case may be, shall draw for him, and the proceedings and the results, shall be entered on the journal by the Recorder.

SEC. 4. When any citizen intends to contest the election of any person, to any elective office, to which he has been declared elected, or to contest the right of such person to hold the same, he shall, within ten days after the votes have been canvassed by the Council, file with the Recorder a written

statement of his intention to contest the election, the name of the person whose right to the office is contested, the office contested, the time of the election, and the particular causes of contest, which statement shall be verified by the affidavit of the contestant, that the causes set forth are true as he verily believes.

SEC. 5. The causes of contest may be the same as those designated in section 692, of the Code, for contesting elections of county officers. When the ground of the contest is that illegal votes were received, or legal votes were rejected, or both, the statement above required must set forth the names of the persons illegally voting, or the names of the persons whose votes were rejected, or both, if the ground of contest embrace both, with the ward or wards in which such votes were received or rejected. The statement must further show that the result of the election, with respect to the office, the right to which is the subject of the contest, would have been different had such illegal votes not been received, or such legal votes not been rejected, or for both the receiving of illegal and the rejection of legal votes.

SEC. 6. When the contest is in regard to the election of Mayor, or other officer elected by the general vote of the city, such election may be contested by any elector of the city, but where it is in regard to the election of Alderman, or other officer, elected by a ward, such election can only be contested by an elector of that particular ward.

SEC. 7. In all cases where an election is contested, the elector contesting the same, shall, at the time of filing the statement aforesaid, file with the Recorder a bond, in a penalty to be fixed by the Recorder, but which shall not exceed two hundred dollars, with sureties to be approved by the Recorder, conditioned for the payment of all costs, in case the election be confirmed, or the statement be dismissed, or the prosecution fails.

SEC. 8. Immediately after the filing of the statement, and the approval of the bond, as herein provided, the Recorder shall make out a copy of such statement, and cause the same to be served on the party whose election is contested, without delay, and who shall answer the same in five days after such service.

SEC. 9. The court for the trial of contested city elections shall be the Mayor of the city, who shall be the presiding officer, and two other electors of the city, having the qualifications of jurors, to be severally nominated by the parties to the contest, in writing, on or before the day of trial. The Recorder shall act as clerk of this court, and keep all papers,

and record all proceedings in the election book, in manner similar to the record of proceedings of the District Court. If the Mayor should be a party to the contest, or be otherwise disqualified, the Council shall elect some other proper person to preside at such trial, and if the person filling the office of Recorder should be a party to such contest, the Council shall select some other person to act as clerk at such trial.

SEC. 10. The Mayor, or other person appointed to preside at such trial, shall fix a day for the trial, and cause notice thereof to be served on the parties. The day fixed for the trial shall not be more than twenty days from the filing with the Recorder of the statement and bond aforesaid, nor less than fifteen days, and each party shall have at least five days' notice of the day fixed for trial.

SEC. 11. If either of the parties fail to nominate judges to sit, in conjunction with the Mayor, or other person selected to preside, the presiding officer shall appoint for him, and if either of the judges, so nominated, shall fail to appear at the time fixed for the trial, his place may be filled by another appointment under the same rule. The judges shall be sworn to well and truly try, and a true decision to render according to the evidence submitted to them, without fear, favor or partiality, according to their best knowledge and judgment.

SEC. 12. All the provisions of Chapter 6, in Title 5, of the Code for contesting the election of county offices so far as the same are applicable, and not herein changed or modified, shall apply to and govern in contests in relation to the election of city officers. Such trial may be held in the City Hall, but in no case shall the city be liable for any costs arising in or growing out of said trial.

CHAPTER X.

THE FERRY LANDING.

AN ORDINANCE in relation to the Ferry Landing.

1. Describing and designating the water front set apart for the landing of Ferry Boats belonging to the Muscatine Ferry Company.
2. No steamboat or other craft allowed to land at the ferry wharf. Any landing made contrary to the provisions of this ordinance, to be punished by a fine of not less than ten nor more than one hundred dollars.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That so much of the landing on the Mississippi river, or river front of the City of Muscatine, as lies opposite the foot of Iowa avenue, and lots four (4) and five (5) in block eleven (11) in said city, be, and the same is hereby set apart specially and exclusively for the landing place of

the ferry boat or ferry boats of the Muscatine Ferry Company, its successors and assigns, plying between said city and the Illinois shore of said river, and for the location and maintenance of such dock, wharf-boat, floating bridge or other structure as may be necessary and proper for the safe, speedy and commodious transaction of the business of said Ferry Company. And the said landing place above defined and described, shall be known and designated as the "ferry landing."

SEC. 2. No steamboat, barge, raft or craft of any kind, other than the aforesaid ferry boats, dock, wharf-boats, floating bridges, and structures of the said Ferry Company, shall be permitted to land, be, or remain at the said ferry landing, and any person or persons who shall land, or cause to land, or cause to be and remain at the said ferry landing, any steamboat, barge, raft, or other craft, contrary to the provisions of this ordinance, shall be subject and liable to a penalty of not less than ten nor more than one hundred dollars—such penalty to be recovered of the party so offending, upon complaint before the proper tribunal.

CHAPTER XI.

FIRE DEPARTMENT.

AN ORDINANCE in relation to the Formation and Government of the Fire Department.

1. What Fire Department shall consist of.
2. What each Company shall consist of. To be accepted by the Council.
3. Members of each Company may elect their own officers, and adopt constitution subject to the ordinances of the city and approval of the Council.
4. Duty of firemen. Engines or apparatus not to be removed from a fire except by order of Chief Engineer.
5. Nomination of Chief Engineer to be made by the firemen. How appointed.
6. Chief Engineer to have absolute control at a fire. Duty of Chief Engineer.
7. When vacancy in office of Chief Engineer shall occur, who to have charge in his absence.
8. When repairs are required.
9. Chief Engineer to report to City Council any subordinate unfit for duty.
10. Foremen or others refusing to comply with orders, to be dismissed.
11. Foremen of Companies to report, when and to whom. Firemen to be exempt from poll tax.
12. Apparatus not to be removed from house unless. Penalty for violation.
13. Apparatus not to be taken on sidewalk, unless. Penalty for violation.
14. Apparatus to be kept, when and how.
15. Not allowed to go beyond city, except.
16. Fire Companies not allowed to organize except under the provisions of this ordinance.
17. Companies have power to commence a civil action. How commenced, etc.
18. Any person ceasing to be a member. When action may be brought.
19. Penalty for driving across any hose while in use.
20. Firemen to be subject to the orders of Chief Engineer and his assistants.
21. Companies to receive an annual stipend.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. The fire department of the City of Muscatine

shall consist of a Chief Engineer and Assistant Engineer, and such fire wardens as may from time to time be appointed by the City Council, one Hose Company in each ward, one Hook and Ladder Company, and such other fire companies as the Council may hereafter authorize and accept.

SEC. 2. Each Hose Company and Hook and Ladder Company, shall consist of a foreman, assistant foreman, and no less than twenty men. Whenever a company so organized shall be accepted by the City Council, such company shall constitute and form a part of the Fire Department, subject to the requirements and entitled to the privileges of this ordinance.

SEC. 3. The members of each company may elect their own foreman and assistant foreman ; adopt such constitution and by-laws for their government as they may deem best to promote the objects of their organization, subject to the ordinances of the city and the approval of the Council.

SEC. 4. It shall be the duty of the firemen, as often as any fire shall break out in the city, to repair immediately upon the alarm to their respective hose carts, and hooks and ladders, and convey them to or near the place where such fire shall happen, unless otherwise directed by the Chief, or other engineer, and there, in conformity with the directions given by the Chief, or other engineer, to work and manage said apparatus or implement with all their skill and power ; and when the fire is extinguished they shall not remove them therefrom, but by the direction of engineer, and on such direction, they shall return their respective hose carts, hooks and ladders, and other apparatus, to their several places of deposit.

SEC. 5. The nomination of the Chief Engineer and Assistant Engineer shall be made by the firemen by ballot, on the first Saturday of June, in each year, and the persons receiving the greatest number of votes for the respective offices, shall thereupon be entitled to a nomination to the City Council for the appointment to such offices ; such appointment to continue for one year, or until the successors to each office shall be nominated, and by the City Council duly confirmed. Public notice of the time and place of the first nomination shall be given to the Fire Department by the Mayor, and all subsequent nominations by the Chief Engineer through one or more newspapers published in the City of Muscatine. Whenever a vacancy shall occur in either of the offices of Chief Engineer, or Assistant Engineer, the foremen of the fire companies collectively, shall have power, and it shall be their their duty to call a special election, and designate the time and place for holding the same, to the end that a nomi-

nation pursuant to the provisions of this ordinance may be made to the City Council to supply such vacancy.

SEC. 6. The Chief Engineer shall, in all cases of fire, have the sole and absolute command and control over all the engineers and other persons connected with the Fire Department. It shall be the duty of the Chief Engineer to examine twice in each year into the number and condition of all hose carriages, hose and other apparatus connected therewith, and all buildings used by the fire department, and report the same to the City Council, once in each year, and oftener, if required by the Council. He shall also report a list of the members of the Fire Department, and the respective associations to which they belong.

SEC. 7. Whenever any vacancy shall occur in the office of Chief Engineer, it shall be the duty of the Assistant Engineer to perform the duties of the office, until the vacancy is filled. The Assistant Engineer shall exercise the duties of the Chief Engineer in his absence, and in general have control of the Fire Department subordinate to him.

SEC. 8. Whenever any repairs are required to keep the fire engines and apparatus in good order, the Chief Engineer shall forthwith report the same to the City Council or Mayor.

SEC. 9. The Chief Engineer shall report to the City Council the name of any member of the Fire Department who is reported to him by the foreman of the company of which he is a member, to be inefficient, unfaithful, intemperate or otherwise unfit for duty, and the City Council may remove such person at pleasure.

SEC. 10. If any Assistant Engineer, foreman, or other fireman, having charge of any fire or hose company, disobeys or refuses to obey any order or direction of the Chief Engineer, he may for such offence be expelled from the Fire Department.

SEC. 11. The foreman of each fire company shall, on the first Monday in July in each year, make out a report to the Chief Engineer, of the number, residence and occupation of all the members of his company, and also all misconduct of any member of his company. Each member of the Fire Department of this city shall be exempt from the payment of any city poll tax assessment.

SEC. 12. No hook and ladder, or hose cart, or other apparatus, during any fire in the city, or any other place, or report of fire at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman, assistant foreman, or one of the engineers, or at least two of the firemen of the Company to which the same belongs, are

present, and consent thereto, under a penalty of ten dollars for every such offence, to be forfeited and paid by and received from any and every person aiding or assisting in such act.

SEC. 13. No fire engine, nor hook and ladder, nor hose cart, shall, in going or returning from fires, or at any other time be run, driven, wheeled, or placed upon any sidewalk, except by the special order of the engineer, foreman, or assistant foreman of companies, under a penalty of twenty dollars for each offence, to be forfeited and paid by the persons so doing or assisting in such act.

SEC. 14. The hose carts and other apparatus shall be kept in such places as the City Council may provide and designate, and it shall be the duty of the several companies to keep the same always in order and ready for immediate use.

SEC. 15. No company shall be permitted to go with their engines or other fire apparatus, beyond the limits of the city, except to attend fires in neighboring towns, without the consent of the Council.

SEC. 16. There shall be no fire company in the city, or any association of firemen, who are not organized under this ordinance and subject to its provisions.

SEC. 17. Each fire company shall have power to commence a civil action before the Police Judge, or any competent court, against any member of the fire company who fails or refuses to pay the dues, fines and penalties, accruing from him to the Company of which he is a member, under the constitution and by-laws of the company. Said action may be in the name of the foreman, for the benefit of the company.

SEC. 18. Any person ceasing to be a member of any fire company, shall at once deliver to the foreman of the company, to which he had previously belonged, any and all uniforms, or other property furnished to him, either by the city or by the company, and upon failure to deliver the same, suit may be commenced against him, either for the recovery of the specific property or its value, in the name of the foreman. The provisions of this section shall be applicable to to any Hook and Ladder Company.

SEC. 19. If any person shall, knowingly or wilfully drive any wagon, cart, carriage, or other vehicle, over, upon, or across any hose while in use by the Fire Department, such person or persons so offending shall, for each and every offence, forfeit and pay a penalty of ten dollars.

SEC. 20. In all matters connected with the extinguishment of fires, or the protection of property, every person, not a fireman, who shall be present at a fire in said city, shall be sub-

ject to the orders of the Chief Engineer and his assistants, the Fire Wardens, the Mayor, Marshal, and other members of the police, and in case such person or persons shall refuse to obey such orders, they shall forfeit and pay the sum of five dollars.

SEC. 21. Each Hose Company shall receive from the city an annual stipend of fifty dollars, which shall be used by said company as a fund for defraying the expense of cleaning and drying hose, and each Hook and Ladder Company shall receive from the city an annual stipend of fifty dollars, which shall be used by said Company as a fund for defraying the expense of cleaning their wagon and apparatus.

CHAPTER XII.

FIRE. FIRE LIMITS.

AN ORDINANCE defining the Fire Limits of the City, and in relation to wooden buildings therein, lumber yards, the keeping of hay and straw, and of gunpowder, and other explosive substances.

1. Fire limits defined.
2. Prohibitions in fire limits.
3. Penalties.
4. Lumber yards.
5. Gunpowder or other explosive substance.
6. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the following blocks in the City of Muscatine, shall be known as the fire limits, viz.: Blocks, 9, 10, 11, 12, 13, 14, 15, 16, 29, 30, 31, 32, 33, 34, 35 and 36. Also the levee, and all grounds between the said blocks 9, 10, 11, 12, 13, 14, 15, 16, and the Mississippi river.

SEC. 2. That no wooden building shall hereafter be erected within the fire limits aforesaid, nor enlarged in length, breadth or height, nor shall any wooden building be removed from one lot on to another, within such limits, and no wooden building shall be brought from without to within such limits; nor shall any hay or straw be kept within such limits except in an enclosed building. Any building constructed of wood, with an outside sheeting of iron, tin or other metalic substance, shall be regarded as a wooden building, and within the prohibition of this ordinance.

SEC. 3. That any person erecting, enlarging or removing any building in violation of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and may be fined

any sum not exceeding one hundred dollars and costs. Each day such building is suffered to remain after notice by the Marshal, to remove the same, will be regarded as a new and distinct offence, subject to the same penalty. No judgments for a fine imposed for the erection, enlargement, or removal of any building of the kind prohibited in such fire limits, or for a failure to remove the same after notice so to do, shall, so long as such building remain therein, be regarded or considered a bar to any subsequent proceeding. In addition thereto, any building so erected, enlarged, or removed, is hereby declared a nuisance, and may be abated by the City Marshal, under the direction of the City Council, at the expense of the owner, if the owner fail to remove it, after notice to remove the same has been duly served on him.

SEC. 4. No person shall, either for himself or as the agent of another, hereafter establish a lumber yard, or deposit lumber kept or held for sale, within the fire limits as herein defined, nor, when any lot or other ground, now used as a lumber yard, or for the deposit of lumber, shall be appropriated to other uses, or shall cease to be used as a lumber yard, shall any person thereafter use it for a lumber yard, or for the deposit of lumber intended for sale. Any person violating the provisions of this section shall be subject to a fine not exceeding one hundred dollars, and to a like penalty for each day such lumber is permitted to remain, after he shall have received notice to remove the same.

SEC. 5. No person shall be permitted to keep more than twenty-five pounds of gunpowder, nitro glycerine, or other easily explosive substance in any building within the city. Powder or other explosive substances shall be kept in closed kegs, or metalic canisters, in some place secure from fire, and where it can be easily and safely removed in case of fire. Any person violating the provisions of this section shall be fined in any sum not more than one hundred dollars. *Provided*, however, that nothing in this ordinance shall be so construed as to prevent persons keeping powder in small quantities, for common hunting purposes, from keeping the same as it is ordinarily kept in families.

SEC. 6. Any person keeping hay or straw within said limits, otherwise than in an inclosed building, shall be subject to a penalty of not more than twenty dollars, and an additional penalty of not more than twenty dollars for every day such straw or hay is permitted to remain after due notice to remove or secure the same, has been given.

CHAPTER XIII.

FIRE. FIRE WARDENS.

AN ORDINANCE authorizing the appointment of Fire Wardens, and prescribing their duties.

1. One Fire Warden to be appointed for each ward.
2. Duties and powers of Fire Wardens, in the examination of buildings, etc. Penalty for resisting or refusing to comply with orders of Fire Wardens.
3. Duties and powers of Fire Wardens at fires.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That the City Council shall appoint one Fire Warden for each ward in the city.

SEC. 2. It shall be the duty of the Fire Wardens to protect the residents of the city against the carelessness or imprudence of persons in fixing stoves, pipes, flues, furnaces, or other things of like nature, pertaining to the use or management of fire ; and to that end, each Fire Warden is empowered, in the discharge of his duty, to enter all houses, manufactories, and other buildings, in the city, in the day time, on any day except Sunday, for the purpose of examining any fire places, hearths, chimneys, stoves or stove pipes, furnaces, ovens, boilers, kettles, or other apparatus, or fixtures, which may be dangerous in causing or promoting fires ; and when any danger shall appear from the condition in which any of the above mentioned apparatus or fixtures are kept or managed, or constructed, or placed, the Fire Wardens, may direct, in writing, the owner, agent, or occupant of any premises, containing any of the dangers aforesaid, to remove, alter, or change the same in such manner, as the Wardens may deem reasonable and proper for security against fire, and within such time as they may prescribe. Any person who shall resist the entrance of a Fire Warden into any premises as aforesaid, or who shall refuse to comply with the directions of such Wardens, shall be deemed guilty of a violation of the provisions of this ordinance, and, on conviction, may be fined, in any sum, not exceeding ten dollars.

SEC. 3. It shall be the duty of the Fire Wardens to attend at all fires within the city, and to guard and protect the property of persons, which may become exposed or endangered by reason of fire. They shall keep all idle and suspected persons away from the place of the fire, and from any goods or other property removed or exposed in consequence of the fire. The Fire Wardens, so long as their presence is required at any fire, or for the protection of any property left exposed by reason of such fire, shall possess all the powers of special policemen, and all persons are required to comply with

any orders or directions they may give for the protection of goods or other property, of which they have assumed the charge. They are also empowered to forbid any unauthorized person from interfering with hose, or in any manner impeding the operations of the firemen.

CHAPTER XIV.

FIRES.

AN ORDINANCE regulating the keeping of Camphene, Benzine, Benzole, Kerosene, Naptha, or other coal oils or inflammable fluids.*

1. Restrictions in regard to keeping and retailing in fire limits. Must not have over five barrels in all. How to be kept and how sold.
2. Not to be stored or kept outside of a building, longer than is necessary for receiving or delivering.
3. May keep not more than one hundred barrels outside of fire limits, in any one building. Owner of building must know it is so used, and have consent in writing of property owners, to the distance of hundred and forty feet.
4. Persons desiring to keep differently or in greater quantities, may apply to Council. Duty of Council.
5. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no merchant, dealer, or other person, company or corporation, shall, within the fire limits of the City of Muscatine, as the same are defined by ordinance, keep on hand, in any store, building, cellar, or other place within said fire limits, a greater quantity of camphene, benzine, benzole, kerosene, naptha, or other coal oils, or other easily inflamed burning fluid, than one barrel, not exceeding fifty-five gallons, of any of the foregoing fluids, not exceeding, however, five barrels in all. Benzine, benzole, or naptha, kept for retail, shall be sold by daylight only, and shall be kept in a tin can, or other metal vessel. Kerosene may be retailed at night. In such case, however, the cask from which it is drawn, must be at least fifteen feet from any light. Any merchant, dealer, or other person, if he keeps none of the other oils or inflammable substances, named or referred to or contemplated herein, may keep five barrels of kerosene, or two barrels of benzine, or two of any other kind, but not to

*Section 3901 of the Code provides: If any person mixes for sale naptha and illuminating oils, or shall keep or offer for sale or sell such mixture, or shall keep or offer for sale or sell oil made from petroleum for illuminating purposes, or any other product of petroleum inflammable at a less temperature or fire test than one hundred and ten degrees Fahrenheit, he shall be deemed guilty of a misdemeanor, and punished for the first offense by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days; and for the second and every succeeding offense, by fine not less than one hundred and not more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than twelve months, or by both such fine and imprisonment.

exceed five barrels in all, and if retailed shall be from tin cans or metal vessels. Outside of said five barrels, no such merchant, dealer, person, corporation or company, shall keep any of said articles, other than above specified, except by the consent of the City Council, as hereinafter provided.

SEC. 2. None of the fluids, or substances named, referred to or contemplated in the foregoing section, shall be kept or stored in front of any building or structure, or on any wharf, street, alley or sidewalk, or lot for a longer period than is sufficient for receiving the same for storage or for delivery, such time not to exceed six hours.

SEC. 3. Any merchant or dealer may store for his own use, or for purpose of sale by the barrel, any number of barrels of said oils or inflammable fluids or substances, not exceeding one hundred barrels, at any one time, in any one building, outside of the said fire limits, belonging to himself, or rented of another, with full knowledge on the part of such other that the building was to be used for such storage. *Provided*, however, that before any building shall be used for such purpose, the consent of the property owners, to the distance of one hundred and forty feet from such building, be first had and obtained. Such consent must be in writing.

SEC. 4. Any person wishing to store, or to erect or use a building to store, more than one hundred barrels of said oils, or inflammable substances in any one place, or who shall wish to keep or sell said oils or substances different from the manner allowed herein, shall make application to the City Council, and in such application shall state the grounds or reason for such application. The Council may either grant or refuse the application ; before granting it, however, the matter shall be referred to a committee, who shall make full inquiry respecting it, and report their conclusions to the Council, and the Council shall take such action as it may deem wise and prudent.

SEC. 5. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be fined in a sum not exceeding fifty dollars and costs, for each and every offense ; and every day that any of said oils or substances are kept or stored contrary to the provisions of this ordinance, shall be deemed a new and distinct offense. It is hereby made the duty of the Marshal and the Fire Wardens, to see that the provisions of this ordinance are respected and obeyed.

CHAPTER XV.

GAS. GAS WORKS.

AN ORDINANCE in relation to Gas Works.*

1. Muscatine Gas Light and Coke Company privileged to use highways and public grounds for laying pipes. Not to obstruct passage on streets.
2. Conditions on which privileges are granted.
3. Quality of gas to be furnished, and city to pay a certain sum per public lamp.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the Muscatine Gas Light and Coke Company, their associates, successors and assigns, as a body corporate, or as individuals under the said name of the Muscatine Gas Light and Coke Company, or such other name as they may hereafter adopt, be, and are hereby authorized and permitted, and the exclusive privilege is hereby granted to the said Muscatine Gas Light and Coke Company, their associates, successors and assigns for the term of twenty years from the passage of this ordinance, to use the streets, lanes, alleys and public grounds in said city, including any territory that may be hereafter added to the same, for the purpose of laying down in said streets, lanes, and public grounds, pipes for conveying gas for supplying said city and the inhabitants thereof with gas light. *Provided*, that said Muscatine Gas Light and Coke Company, their associates, successors and assigns, in laying down said pipes shall not unnecessarily obstruct the passage of said streets, lanes, alleys and public grounds, and shall within a reasonable time repair the same.

SEC. 2. The privileges herein granted are upon the express condition that the said Muscatine Gas Light and Coke Company, their associates, successors and assigns, shall on or before the first day of April, A. D. 1857, commence and within six months thereafter, complete the erection of said works and apparatus for the manufacturing of gas from stone coal, or any other material of which gas is now, or hereafter may be made, and shall lay down, within the aforesaid six months, at least one mile of leading pipe from said gas works, through the principal streets of said city, and shall continue thereafter, to maintain their works and extend their leading pipes from time to time, through such locations in said city, as the consumption of gas may justify, and shall furnish to said city for public lamps and to the inhabitants thereof for private use, gas at a rate not exceeding four and one-half dollars per one thousand cubic feet. All lamp posts and fittings for public lamps shall be furnished at the expense of said city, and as many lamp posts as the city may require, are to be put

*Ordinance passed February 25th, 1857. Only such portions of this ordinance are given as are considered material in view of the ordinance of renewal, passed September 15th, 1877.

up on the pipe to be laid by the Muscatine Gas Light and Coke Company, their associates, successors and assigns aforesaid.

SEC. 3. The gas to be furnished by said Muscatine Gas Light and Coke Company to be of as good quality as any furnished by any other gas company in the State, and the City of Muscatine agrees to take gas so furnished to the amount of twenty-five dollars per year for each of the aforesaid city public lamps, and for the said sum of twenty-five dollars per lamp per annum, the said Gas Company shall be compelled to furnish gas the same number of hours that gas is furnished to public lamps in the City of Chicago.

CHAPTER XVI.

GAS. RENEWAL ORDINANCE.

AN ORDINANCE extending and renewing the rights and privileges heretofore granted to the Muscatine Gas Light and Coke Company for the term of ten years, and fixing the price of Gas furnished for the use of the City, and to private consumers.

1. Rights and privileges granted by former ordinance renewed and extended for ten years.
2. Additional conditions and restrictions.
3. Company granted the right to extend their mains.
4. Company retains property in lamps furnished by it.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That the exclusive rights and privileges heretofore granted to the Muscatine Gas Light and Coke Company, by ordinances passed February 25th, 1857, are hereby extended, renewed aud confirmed unto the said Muscatine Gas Light and Coke Company, with all the obligations and restrictions therein contained, except as the same are herein modified, for an additional period of ten years from the first day of September, 1877, and up to the first day of September, 1887.

SEC. 2. That the exclusive privileges herein renewed and granted, are under and upon the following additional conditions and restrictions, to-wit :

1st. That the said Muscatine Gas Light and Coke Company, shall at once put the eighty-eight posts, lamps and fittings now owned by the city, in good and proper order and condition, and keep and maintain them in such order and condition, and repair or replace such of them as are broken or destroyed for and during the full term of the grant herein re-

newed and extended, without any cost or expense to the city. The said company shall furnish and keep in good and proper order and condition, all additional lamps, erected under the authority of this ordinance, without expense to the city.

2d. The said Company shall furnish gas for all the public street lamps, and light and extinguish the same, such lamps to be lighted within thirty minutes after sunset, or if the moon be shining, and in its first quarter, they shall be lighted one hour before it sets, and shall not be extinguished before eleven [11] o'clock P. M. The said Company shall not be required to light said lamps on clear nights, when the moon shall give sufficient light, up to eleven [11] o'clock, P. M. *Provided*, however, that on dark and cloudy nights, when the moon is too much obscured to furnish light, the said lamps shall, if the Mayor so direct, be lighted and kept lighted until eleven o'clock P. M., the hour herein fixed for their extinguishment. In such cases the said company shall charge therefor, at the rate of one dollar and sixty cents [$1.60] per month, regard being had to the length of nights when such extra lighting is done.

3d. Each of said lamps shall have a burner not consuming less than four cubic feet of gas per hour.

4th. The city shall pay one dollar and sixty cents per month in cash for each public street lamp, and this shall be full compensation to said Company for all the duties and obligations herein required from said Company in respect to said lamps.

5th. The city shall pay three dollars for each one thousand cubic feet of gas consumed in its public buildings.

6th. Private consumers shall not be required to pay more than three dollars and sixty cents for each one thousand cubic feet of gas consumed by them, when the bills for the preceding month are paid within five days after its expiration ; if, however, such bills are not paid within five such days, at the office of said Company, then the said Company are empowered to charge and receive a sum not exceeding four dollars per thousand cubic feet of gas, but in no event shall meter rent be charged.

7th. Whenever the said Company shall excavate in any street or alley for the purpose of either laying down gas mains or service pipes, or making any repairs thereto, they shall not, during the progress of the work, unnecessarily obstruct the passage or proper use of such street or alley, or interfere with the mains and pipes of the water works company, and they shall within a reasonable time restore said street to as good condition as it was before the making of

such excavation. In all cases where excavations are made, and left open over night, it shall be the duty of the said Gas Company to provide proper barriers or other protection against injury to persons or animals.

SEC. 3. The said Company shall have the right to extend their mains beyond the present termini of such mains, to other portions of the city, the inhabitants or a sufficient number of which, desire and agree to take gas for their own private use. When such extensions are made, the city shall burn not less than two lamps at the intersection of each and every street on and along which such extensions are made, except on Front street. If the mains shall be extended to South Muscatine by way of Front street, then along such extension from and beyond Linn street, and until reaching South Muscatine, street lamps shall, at the request of the Council, be placed by the said Company at points to be designated by the Council, and not greater than one hundred and eighty [180] feet apart. At the crossings of all streets where mains are now laid, as well as where they may be hereafter laid, there shall not be less than two lamps, diagonally opposite to each other.

SEC. 4. In all cases, where the said Company shall, under the provisions of this ordinance, furnish and erect street lamps at their own expense, the property in such lamps shall be and remain in the said Company, at the expiration of the term herein renewed and extended.

SEC. 5. This ordinance shall be in force and take effect from and after the delivery to the Mayor of a written acceptance of its terms and conditions by the said Company.

CHAPTER XVII.

GAS.

AN ORDINANCE for the protection of Public Lamp Posts, Lamps, etc.

1. Penalty for breaking or injuring lamp or lamp post.
2. Penalty for climbing on, hitching to, or piling things against lamp posts.
3. Penalty for lighting or extinguishing lamps without authority.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. Any person who shall carelessly or wantonly break, deface or in any way injure or destroy any public lamp or lamp post, shall upon conviction thereof, pay a fine of not more than twenty dollars for each offense, and may also be liable for the expenses that may be incurred in repairing the

injuries committed, which may be recovered in a separate suit therefor.

SEC. 2. Any person who shall climb upon, or who shall hitch any horse or other animal to any public lamp post, or who shall hang or place any goods or merchandise thereon, or place any goods boxes, wood or any heavy material upon or against the same, shall upon conviction, pay a fine of not more than twenty dollars.

SEC. 3. Any person who shall, without authority, extinguish or cause to be extinguished any of said street lamps, or who shall light or cause to be lighted any of said lamps, shall be fined in the penalty of not more than ten dollars for each offense.

CHAPTER XVIII.

HEALTH.

AN ORDINANCE in relation to the Board of Health.

1. Mayor and Aldermen created a Board of Health.
2. Mayor, President, and Recorder, Secretary.
3. May appoint health inspectors.
4. Meetings, how called.
5. May make regulations necessary for health, etc.
6. May cause such regulations to be published in newspaper. Publication legal notice of the regulation.
7. Enumeration of powers of the Board of Health.
8. Notice of abatement of nuisance, what to contain, and how and on whom served. Expenses of such abatement may be recovered by civil action, when.
9. Duties of Marshal, Health Inspector, etc.
10. Board to keep correct amount of expenses, and full report to be made to the Council monthly, properly certified. If approved, warrant to issue for the payment of expenses.
11. The owner or occupant of premises to keep the same free from anything injurious to health. Must comply with order of the Board. Penalty.
12. Board to examine slaughter houses, etc., and report violations of ordinances, names of witnesses, etc.
13. Physicians to report to Board all cases of contagious disease.
14. Persons having infectious diseases to keep closely confined. Notices of such disease may be posted on house. Penalty.
15. Requirements of Board to be obeyed. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the Mayor and Aldermen shall, *ex officio* constitute a Board of Health for the city.

SEC. 2. The Mayor shall be *ex officio* President of the Board of Health, and the Recorder shall be *ex officio* its Secretary.

SEC. 3. The Board of Health shall, when they may deem it advisable, appoint one or more Health Inspectors for the city, who shall hold their office at the pleasure of the Board,

and shall discharge such duties as may be required of them by the Board.

SEC. 4. The first session of the Board shall be held at the call of the Mayor, and its subsequent sessions at such times as it may designate, or at the call of the President.

SEC. 5. The Board of Health shall have the power to make such regulations as it shall deem necessary for the public health and safety, respecting nuisances, sources of filth and cause of sickness within the city.

SEC. 6. When the Board shall make any regulation in regard to the health or cleanliness of the city, it shall cause a copy of such regulation, duly attested by the Secretary, to be published in some newspaper of the city for the space of one week. Such publication shall be deemed legal notice to all persons of the regulation so made by the Board.

SEC. 7. The Board of Health are empowered :

1st. To exercise a general sanitary supervision over the City of Muscatine, and, to that end, may adopt such measures as will promote the cleanliness and health of the city.

2d. To cause the abatement of nuisances, of every sort, in any manner prejudicial to health, on private property as well as on public property.

3d. To notify the owner or occupant of any lot or parcel of ground, on which any nuisance or cause of sickness exists, or is found, to remove the same, at his own expense, within such time as they may deem reasonable.

4th. To require, by general regulation or otherwise, the owners or occupants of any property abutting on any alley or lane, to cleanse said alley and to remove therefrom any filth or cause of sickness, within such time as they may prescribe.

5th. To make such regulations and orders as they may deem prudent and advisable in regard to the cleansing of drains, sewers, and other passages for the discharge of water within the city.

6th. To make such regulations and use such precautions as in their judgment will prevent the introduction into the city of any malignant, infectious or contagious disease, and to establish hospitals or pest houses, when they shall deem it necessary to prevent the spread of any infectious or contagious disease.

7th. To cause any person sick with any contagious or infectious disease, who has no fixed habitation of his own in the city, to be removed to such hospital or pest house, or some other retired place, unless such person is able and can obtain care and treatment elsewhere at his own expense. If

the condition of any person, sick with any such disease, is such, that, in the opinion of the Board, his removal would be attended with danger, the Board shall make such disposition of him as will secure to him proper and humane treatment and attention, and at the same time, prevent, as far as they can, the spread of the disease from which he is suffering.

8th. To make such regulations and restrictions in regard to communication or intercourse, by and with all houses, tenements, or other places, and the persons occupying the same, in which there shall be any person sick, with any contagous, malignant, or infectious disorder, as they shall deem necessary and proper.

9th. To employ such persons as they may deem necessary to carry into effect the regulations adopted and published by the Board, in pursuance of the powers given them by this ordinance, or by any act of the Legislature in relation to health.

SEC. 8. The notice referred to in sub-division 3, of the preceding section, shall describe with ordinary certainty, the nuisance, or cause of sickness, the removal of which is therein required, and shall be served by the Marshal, or any police officer, or by any constable, in the way that notices are served in civil actions. If the owner or occupant fails to remove such nuisance within the time required in such notice, he shall be liable to a penalty of not more than twenty-five dollars, for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof, and if the Board shall cause such nuisance or cause of sickness to be abated or removed, the expenses of such removal may be recovered in an action against either the owner or the occupant, as either may have been served with the notice to remove, or against both, if both were served with such notice.

SEC. 9. It shall be the duty of the Marshal, Health Inspector, and such members of the police as the Board of Health may direct, to attend meetings of the Board of Health, and to serve all precepts and notices issued by said Board or any member thereof, signed by the President and attested by the Secretary thereof; to execute all orders of the Board directed to them; to attend to the abatement or removal of all nuisances, and to perform such other duties in relation to nuisances, as the Board may direct; and as often, and in such manner, as may be required of them, to examine the condition of all streets, lanes, avenues, alleys, market places and public squares, and private yards of the city, and to report to said Board, or any member thereof, all nuisances found therein; to notify persons upon whose premises, or

premises occupied by them, any nuisance may exist, to remove the same, and if it be not removed forthwith, to make a report thereof in writing to said Board, or any member thereof; to visit, at least once a week, and oftener, when required by said Board, or any member thereof, every part of the city; to arrest any person found violating any city ordinance which relates to the sanitary regulations of the city; and to arrest persons throwing, or permitting to be thrown, from their premises into their yards, or into any street or alley, any filth or other matter prohibited by the ordinances of the city, or the regulations of the Board of Health; and in other respects to exercise the utmost diligence in enforcing the ordinance in regard to the health of the city.

SEC. 10. The Board of Health shall keep a correct and full account of all expenses incurred, with whom, and on what account, and whether payable by the city or by individuals, and a like account of all monies expended, to whom paid, and on what account, and shall, at the end of every month, render to the City Council an account of all expenses that may have occurred under their authority, and, upon the Board certifying to the correctness of the same, and the same being approved by the City Council, a warrant shall issue therefor, payable out of any money not otherwise appropriated.

SEC. 11. The owner or occupant of every lot or building, or any appurtenances thereof, shall keep every part thereof free from filth or anything offensive to the neighborhood about the same, likely to contribute to disease or infection, or which is prohibited by the Board of Health; and upon failure to do so, it is hereby made the duty of the City Marshal or Health Inspector, upon complaint, inspection, or order of the Board of Health, immediately to give notice to the owner or occupant thereof, and require him to do such act as the said officer, under the direction of the Board of Health, shall deem necessary for the health of said city, and in case of failure to comply with such requirements for the space of twelve hours, said officer is required and empowered to do such acts himself, keeping a correct account of all the expenses of the same, for all of which expenses said owner or occupant shall be liable, and may be fined for a violation of the provisions of this ordinance.

SEC. 12. Said Board of Health shall, from time to time, cause every slaughter house and yard, or other place where animals are slaughtered in the city, to be entered and examined, and a report made of any violation of any ordinances in relation thereto, such report to be accompanied by a list of names of the witnesses by whom the facts contained in such report are expected to be proven.

SEC. 13. It shall be the duty of every physician in the city to report to the Board of Health every case of ship fever, cholera or small pox, or other contagious or infectious disease he may be called upon to attend within the city limits, or within five miles of the same, within twelve hours after he shall have examined the patient, with the location of the house, and name of occupants and street.

SEC. 14. All persons having ship fever, small pox, or other contagious or infectious disease, in the city, who refuse to go, or can not be taken therefrom to the hospital or pest house, are hereby required to keep closely confined within their respective dwellings or places of abode; and the Board of Health may cause suitable notices, with the name or character of the disease, printed or written in large letters thereon, to be posted up in the most conspicuous place, on or near such dwelling or place of abode, in which such contagious or infectious disease exists, and require of the occupants thereof, to maintain such notices there, until, in the opinion of the Board of Health, they may be safely discontinued; and any person failing to comply with any of the requirements of this section, shall forfeit and pay a fine of not less than ten nor more than one hundred dollars.

SEC. 15. All persons are required to obey the ordinances, precepts, regulations and requirements of said Board; and whoever shall fail, refuse or neglect so to do, shall be guilty of a misdemeanor, and fined not less than one nor more than one hundred dollars.

CHAPTER XIX.

HEALTH. MANURE.

AN ORDINANCE prohibiting the throwing of Manure in the streets and alleys, and directing how it shall be disposed of.

1. Manure must not be thrown in streets, alleys or on sidewalk.
2. Must be placed in tight vessel. Removal. Size of box and how placed.
3. Penalty. Manure, how to be used for gardening purposes.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. No person shall be permitted to throw or deposit in any street or alley, or other public thoroughfare, or upon any sidewalk, or any premises he or she is occupying, any manure of any kind.

SEC. 2. Such manure shall be thrown or deposited in a tight box or other tight vessel, and unless removed by the person depositing or causing it to be so deposited, from the city, it shall be placed by him as often as may be required by the Marshal or other proper officer of the city, in some convenient place, where it may be removed by the city authorities, if the city shall decide to remove the same, but unless the city does so decide to remove it, it shall be the duty of the party himself to remove it once a week, or as often as the box may become filled. Such box or vessel shall not exceed three feet in width, six feet in length, and four feet in height, and may be placed in the alley, but in no case shall it be so placed as to interfere with the passage of the alley.

SEC. 3. Any persons guilty of violating the provisions of this ordinance shall, on conviction thereof, for every such offense, pay a fine of not more than one hundred dollars. *Provided*, however, that this ordinance shall not prevent the manuring of gardens in the usual manner, the manure to be so mixed with the dirt as to cause no stench or smell to arise.

CHAPTER XX.

INSPECTORS AND MEASURERS.

AN ORDINANCE relating to Inspectors and Measurers.

1. Office of Inspector and Measurer created. Duties.
2. Term of office.
3. Expense to be borne by the owner of lumber brought to the city for sale.
4. Wood, lumber and timber must be measured, when. Penalty.
5. Fees for measurement.
6. To be weigher of hay scales; when scales provided by the city.
7. Weight of ton of hay, and of bushel of stone coal.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there is hereby created the office of Inspector and Measurer, whose duty it shall be to inspect lumber, shingles and lath, which he may classify, using the terms first, second and third qualities; to measure lumber, timber, logs, wood and lath, and to weigh stone-coal and hay sold in the city; and to give his certificate stating the quantity or quality, or both, as the case may require.

SEC. 2. He shall hold his office for the term of one year and until his successor is appointed and qualified, unless sooner removed by the Council. Before entering upon the duties of his office, he shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability.

SEC. 3. All boards, planks, scantling, joists and square timber of every kind, brought to this city by water and sold, shall be placed, assorted and handled for measurement, by the owner thereof, or at his expense, by persons employed by the Measurer, unless it be otherwise agreed by the parties to a sale.

SEC. 4. No person shall sell wood, lumber or timber in the city, without having it measured by the Measurer, if the purchaser requires it at the time of the purchase, or before delivery, and if the Measurer be able to perform his duty. For a violation of this provision, the seller shall forfeit to the city any sum not exceeding ten dollars.

SEC. 5. The Measurer shall be entitled to demand and receive from the seller the following rates of pay: For measuring any quantity of wood, less than two cords, ten cents; for measuring any quantity not less than two nor more than five cords, five cents per cord; for measuring any quantity above five cords, three cents per cord; and for each thousand feet or less of lumber or timber measured and inspected, ten cents; and for each thousand feet or less of logs scaled or measured, five cents; and for each thousand of shingles or lath inspected, two cents; to be paid by the seller.

SEC. 6. When hay scales shall have been provided by the city for the public use, the above officer shall perform the duty of weigher. He shall have charge of the scales and keep them in repair, and when called upon for that purpose, shall attend to the weighing of hay and stone-coal, and give his certificate of the number of pounds of hay, or bushels of coal, as the case may be.

SEC. 7. In weighing, he shall allow two thousand pounds for a ton, and eighty pounds for a bushel of stone-coal. His compensation for weighing shall be fixed by common order of the Council.

CHAPTER XXI.

JAIL.

AN ORDINANCE in relation to the Jail and Work House.

1. County jail declared city prison.
2. Jail yard declared city work house.
3. Persons committed to prison for violation of ordinances or non-payment of fines, may be sentenced to work at hard labor in work house. Credit allowed for each day's labor.
4. Council to appoint some person to take charge of persons confined in work house. Such person to be a member of the police force. Tools and materials, how furnished.
5. Duty of person having charge in regard to attempts to escape. Refusal to perform labor, how punished.
6. No outside person permitted to enter work house without permission from the Mayor or Police Judge; communication with prisoners not allowed. Loitering on outside of prison, how punished.
7. Keeper of Jail to keep a record of all persons confined therein. What it shall contain.
8. Officer in charge of work house to keep an account of materials received and the disposition made of them; to take care of tools and implements.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the County Jail in the City of Muscatine, shall be used as a prison for the confinement of persons duly committed for any cause authorized by the ordinances of the city.

SEC. 2. The yard or enclosure adjacent to the Jail, is hereby declared the City Work House.

SEC. 3. Any able-bodied male person, over the age of sixteen years, and not over fifty, committed to prison for the violation of any of the ordinances of the city, whether for non-payment of fine or otherwise, may, by the Court pronouncing the sentence, be required to work at hard labor, in said Work House, during the whole time of his sentence. Such imprisonment shall, however, in no case, exceed thirty days, and for every day's labor, of eight hours per day, performed by such person, there shall be credited on the judgment for fine and costs against him, (if committed for non-payment of such fine) the sum of one dollar and fifty cents.

SEC. 4. The Council shall appoint some person who shall, for the purposes of this ordinance, be deemed a member of the police force, whose duty it shall be, when there are one or more persons under sentence to perform labor, in pursuance of this ordinance, to attend at the City Work House, to see that the prisoners properly and diligently perform the labor required of them by this ordinance; to conduct them to and from the jail, and to assign to each prisoner the labor required of him. No tools or materials for such labor shall be furnished except by the special direction of the City Council.

SEC. 5. The person appointed to take charge of prisoners, for the purpose specified in this ordinance, may use such means as are necessary and proper to prevent escapes, and if any prisoner attempts to escape, while under his charge, or if any prisoner refuses to perform the labor assigned to him, the person having such prisoner in charge, and to prevent a repetition of any further attempts to escape, if after proper investigation the officer is satisfied that the refusal to labor is due, not to physical indisposition, but to a refractory and turbulent spirit, he may use the means authorized by Section 4734 of the Code ; such punishment, however, shall be inflicted within the jail. The time that is taken up by such punishment shall not be considered as any part of the term for which such prisoner was sentenced, *provided*, however, that in no case shall the imprisonment exceed thirty days.

SEC. 6. The person or officer appointed to take charge of such prisoners, and superintend their labor, shall permit no person to enter the Work House or yard while they are at work, unless such person have permission from the Mayor or Police Judge ; nor shall he suffer any one to have any communication with them while at work, or in going to or returning therefrom. No person shall be permitted to loiter about on the outside of said Work House, and any one from the outside who shall make insulting and opprobrious remarks, about the prisoners laboring therein, loud enough for them to hear what is said, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined any sum not exceeding twenty-five dollars.

SEC. 7. It shall be the duty of the keeper of the jail to keep a record of all persons received by him, by whom arrested, when arrested, for what offense, for what time committed, and the date of their discharge, and shall keep a correct statement of the money, and other valuables which may be taken from any person on being brought to the jail.

SEC. 8. The person appointed to take charge of such prisoners shall keep an account of the materials received at the enclosure where work is performed, and the disposition of the same, and shall take due and proper care of the tools and implements used therein.

CHAPTER XXII.

LICENSES. AUCTIONEERS.

AN ORDINANCE in relation to Auctioneers, and persons bringing goods into the city to be sold at auction.

1. Auctioneers must take out license.
2. License will not authorize the carrying on the auction business at more than one place at the same time. When auctioneers may sell elsewhere. Judicial and trust sales not embraced by ordinance.
3. Penalty for violating two preceding sections.
4. Public auction in the streets not allowed without permit from the Mayor. Penalty.
5. Non-residents bringing or sending goods to be sold at auction, to obtain permits for such sales from the Mayor. Cost of such permits.
6. Any one making such sales, except regularly licensed auctioneers, must obtain permits.
7. Who shall be regarded as non-residents, and what they must do to make sales at auction. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person shall be permitted to carry on the business of an Auctioneer within the limits of the city, without first having obtained a license therefor. Any person desiring such license shall pay to the City Treasurer the sum of fifty dollars, who shall thereupon deliver to such applicant duplicate receipts. One of the receipts shall be deposited with the Mayor. Upon such receipt being deposited with him, the Mayor shall order a license to issue to the applicant, which shall be in force for the period of one year from its date.

SEC. 2. No license issued under the provisions of this ordinance, shall authorize the carrying on of the auction business in this city at more than one place at the same time. Nothing herein contained shall, however, be construed as preventing or prohibiting a regular licensed auctioneer from selling at public sale, household goods, furniture, or other like property, at the residence of the owner of the same, or real estate where the same is situated. Nor shall the provisions of this apply to judicial sales, or sales made under any order of court; or by virtue of any mortgage or trust deed; or sales made by an executor or guardian, or other person discharging the duties of a trust imposed by law.

SEC. 3. Any person violating the provisions of the two preceding sections, shall on conviction thereof, pay a fine of twenty dollars for each offense.

SEC. 4. No person shall hold a public auction in the streets of this city, without a special written permit from the Mayor. Any person violating the provisions of this section, shall, on conviction thereof, pay a fine of not less than five dollars for each offence.

SEC. 5. Any person, not an actual and *bona-fide* resident of the City of Muscatine, who is desirous of selling goods, wares and merchandise at auction, of which he is the owner, or over which he has the management and control, shall, before undertaking to make such sales, pay to the Treasurer the sum of ten dollars, on the payment of which the treasurer shall execute receipts in duplicate, one of which shall be given to and left with the Mayor. The Mayor shall thereupon give a permit in writing, authorizing said goods to be sold at auction for the period of ten days from the date of such permit. Such permits may be renewed for like or shorter periods, not less, however, than five days in the same manner and at the same rates.

SEC. 6. Any person may act as auctioneer in the sale of goods, wares, etc., referred to in section 5 hereof, who has obtained a license under section one of this ordinance ; or if he has not obtained such license, who will pay to the City Treasurer at the rate of three dollars per day for each and every day he offers to sell such goods at public auction, and procure from the Mayor a written permit, to sell for the number of days for which he has paid at the rate herein mentioned. No person, whether the owner or otherwise, shall act as auctioneer in the sale of said goods, who shall not first have obtained a license or permit as herein required.

SEC. 7. All non-resident owners, transient merchants, or others, who may bring here or consign to others, residing or engaged in business here, goods, wares or merchandise, for the purpose of having the same sold at auction, shall, for the purposes of this ordinance, be regarded as non-residents, and be required to obtain a license or permit, as provided by the 5th section thereof.

SEC. 8. Any person selling or offering to sell, in violation of the provisions of sections 5 and 6 hereof, shall, on conviction thereof, pay a fine of not less than ten nor more than one hundred dollars.

SEC. 9. No auctioneer, coming here especially to sell a stock of goods, or other personal property, shall be permitted to sell the same at auction, unless he has previously taken out a license or permit, as required by this ordinance, or unless he has been employed actually and in good faith, by a resident auctioneer, to aid him in making such sales. Any person undertaking to sell such goods or property at auction, without such permit or license, or without being so employed, shall, on conviction thereof, be fined in a sum not more than twenty-five dollars. And any resident auctioneer, who shall attempt to abuse the privilege given by his license, or be in-

strumental in evading the provisions of this ordinance, by knowingly suffering any one to sell at auction, such goods or property, on the pretence that the one so selling is in his employment, when no such employment exists in fact, or is merely colorable, shall, on conviction thereof, be fined in a sum not exceeding one hundred dollars, and the Council may, in addition thereto, if it sees proper, revoke his license.

CHAPTER XXIII.

LICENSES.

AN ORDINANCE in relation to the selling of Wine and Beer, and regulating the sale thereof.

1. License must be obtained.
2. City Council may grant license.
3. Applicant for license must pay and give bond.
4. Licenses must be issued under the seal of the city. When assignable.
5. Holders of license not permitted to sell on Sunday.
6. When license may be revoked.
7. Riotous noises. To whom must not sell.
8. Time saloons must be closed.
9. Council have power to revoke license.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person shall sell, or keep a saloon, house, room, or other place, for the sale of wine or beer, within the City of Muscatine, without first obtaining a license therefor, as hereinafter directed. And this prohibition shall cover and include all retail traffic in said liquors, and each of them. And any person violating any provision of this section shall be liable and subject to a penalty of not less than ten, nor more than one hundred dollars, for each and every such offence.

SEC. 2. The City Council of the City of Muscatine may grant licenses for the sale, within said city, of the liquors named in the first section of this ordinance, in the manner, and subject to the restrictions and reservations, hereinafter set forth. But no license shall be granted for a longer period than one year, from the date of such grant, and all such licenses shall expire on the first day of April next after the granting and issuing the same. And all such licenses shall, at all times, be subject to revocation as hereinafter provided.

SEC. 3. Any person applying for a license for the sale of the liquors named in the first section hereof, or any of them, for the term of one year, shall pay into the treasury of said city the sum of fifty dollars, and the City Treasurer shall give him a receipt for the same, which receipt shall be presented by such applicant to the City Council, with his application

for such license ; and in case the application be rejected, the money, or sum paid by the applicant, into the City Treasury, shall be refunded to him. Every such application shall be in writing, and signed by the applicant, and the same shall also be signed by at least twenty citizen tax-payers of the city. The applicant shall also execute unto said city, and deliver to the City Council, a bond, with one or more sureties, to be approved by the City Council, in the penal sum of three hundred dollars, conditioned that said applicant and licensee shall well and truly observe the conditions and requirements of this ordinance, and pay all penalties by him incurred under the same. In case of application for such license for a shorter period than one year, the sum to be paid into the City Treasury, as above provided, shall be determined by the City Council, but the same shall not exceed fifty dollars, nor shall it be less than at the rate of fifty dollars per year.

SEC. 4. Licenses granted under this ordinance shall be issued under the seal of the City of Muscatine, signed by the Mayor, and attested by the City Recorder ; and each license shall name and specify the building, room or place, at which the licensee is authorized to conduct his business, and sell said liquors. And such license shall not be construed to cover or extend to any other building, room or place than that named therein, nor shall such license be assigned by the licensee named therein, except by permission of the City Council first had and obtained, and duly entered of record among the proceedings of said Council.

SEC. 5. If any person holding such license shall sell on Sunday, or permit to be sold on Sunday, by his clerk, agent, or employee, any of the liquors named in the first section of this ordinance, he shall be liable and subject to a penalty of not less than one nor more than five dollars for each and every such offence.

SEC. 6. If any person holding such license shall permit or suffer any carousals, fighting, quarreling or riotous noise at his place of business, or shall permit any gambling, or sell, or permit to be sold, any of said liquors to any insane person, idiot, habitual drunkard, or intoxicated person ; and if such licensee shall permit minors to spend their time drinking or tippling at such place, he shall, for every such offence be liable and subject to a penalty of not less than five, nor more than fifty dollars.

SEC. 7. No saloon, building, room, or other place covered by such license, shall be open for business between the hours of eleven o'clock in the evening and five o'clock in the morning ; nor shall it be lawful to sell or permit to be sold, therein

or therefrom, any of said liquors between said hours. And any person violating this section, or any provision thereof, shall for each and every such offence, be liable and subject to a penalty of not less than five dollars, nor more than fifty dollars.

SEC. 8. The City Council shall have power to revoke and annul any license granted and issued under this ordinance, for a violation, by the licensee, or by any agent or employee of such licensee, of any of the provisions of sections 5, 6 and 7 of this ordinance, and such revocation, and the reason thereof, shall be entered of record among the proceedings of the City Council, and notice of such revocation shall be served upon the licensee by the City Marshal, or other police officer of said city; but such revocation shall not release, or in manner affect the liability of, either the principal or surety on the bond required by section 3 of this ordinance.

SEC. 9. The requirements of this ordinance, in regard to the sale of the liquors herein mentioned, shall not apply to druggists, or other persons duly authorized to sell liquors under a permit from the county.

CHAPTER XXIV.

LICENSES.

AN ORDINANCE for licensing Draymen, Teamsters and Expressmen.

1. License required.
2. Expressman and teamster defined.
3. Application for license to be made to the Mayor. Council may grant license, if Mayor refuse.
4. Licensee must give bond, to be approved by the Mayor, in the sum of two hundred and fifty dollars, before license is delivered.
5. When license may be delivered.
6. Licenses not transferable.
7. Charges for hauling.
8. Penalty for violating ordinance.
9. Each vehicle to bear the same number as its license.
10. Mayor to deliver to the Marshal a list of licenses, and charge the Treasurer with the amount of licenses.
11. Mayor to keep a register of licenses, with dates, numbers, etc., and to file and keep all bonds, and report to Council every three months.
12. Licenses may be issued for less than a year.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That every person following the business of a Drayman, Teamster or Expressman, within the limits of the City of Muscatine, shall pay annually, in advance, the licenses following, viz.: Each Drayman and Teamster shall pay an annual license of five dollars for each dray or wagon, and every Expressman an annual license of ten dollars for each express wagon.

SEC. 2. An Expressman is one whose wagon or other vehicle rests on springs, and a Teamster is one whose vehicle is similar to an ordinary farm wagon, and is without springs. Every person engaged in carrying goods or other commodities from one part of the city to another for hire, on any other vehicle than a dray, shall be deemed an Expressman or a Teamster, as the same are herein defined.

SEC. 3. Application for such license shall be made to the Mayor, who has authority to grant or refuse the same, subject, in case of refusal, to the final decision of the Council.

SEC. 4. Before the license is delivered to the applicant, he must produce to the Mayor the Treasurer's receipt for the payment of the sum herein required, and must also give bond to the City of Muscatine, for the use of whomsoever may become concerned therein, with one or more sureties, in the penal sum of two hundred and fifty dollars, with a condition that he will truly and safely deliver all property entrusted to him or his agents, and that he will pay all damages which may accrue to any person by the neglect, delay or carelessness of himself or his agents in the performance of his undertaking, to convey or deliver any property, and all damages which may accrue, in consequence of any injury to persons, arising from the same cause. Such bond must be approved by the Mayor, and it may be sued upon, in the name of the city, for the use of any person injured by the breach of its condition, but at such person's cost and risk.

SEC. 5. Upon the bond, duly executed and approved, being delivered to the Mayor, he shall direct a license to issue to the applicant, which shall be in force one year.

SEC. 6. No license is transferable; neither shall any person run more than one vehicle at the same time by virtue of one license.

SEC. 7. A tariff of not more than twenty-five cents may be charged by the licensee for each load taken to any point within eight squares of the place of receiving the same, and forty cents for any other distance within the city.

SEC. 8. If any person undertakes to carry on the business of Drayman, Expressman or Teamster, without having first obtained a license therefor, as required by this ordinance, he shall forfeit and pay to the city any sum not exceeding twenty dollars; and if any person who is licensed fail to keep the number upon his vehicle, as hereinafter provided, or if he charge, as a compensation, more than the rates herein established, he shall forfeit to the city his license, and shall also pay a fine of not more than ten dollars for each and every conviction.

SEC. 9. All vehicles required to be licensed under this ordinance, shall be numbered the same as the number of the license, which shall be furnished by the city, on tin-plates, yearly, and which shall be fixed in some conspicuous place on such vehicle.

SEC. 10. The Recorder shall deliver to the Marshal, from time to time, a list of the licenses issued under this ordinance, with their dates and numbers, and shall charge the Treasurer with the amounts paid for such licenses.

SEC. 11. The Recorder shall keep a register of the above licenses, with their dates and numbers, and shall file and keep all bonds given under this ordinance, and report the same to the City Council every three months.

SEC. 12. Licenses provided for by this ordinance may be issued for a less period than a year, but no license shall be granted for a shorter time than one month, and all licenses shall be made to expire on the first Monday of March, next succeeding their issuance. Where any license is granted for less than a year, it shall be dated as of the first Monday of the month in which it was issued, in order to avoid fractional parts of a month, and the charge shall be made from the day it is so dated. No license shall be issued for one month, excepting for the month immediately preceding the first Monday of March. When a license is issued for less than a year, the licensee shall pay for the number of months such license is to run, at the same rate that is chargable for a similar license for twelve months.

CHAPTER XXV.

LICENSES.

AN ORDINANCE in relation to licenses for Games of Chance or Skill.

1. License required for any kind of table or alley, at which games of skill or chance are played.
2. Amount of license for table.
3. Amount of license for alley.
4. License required for any games of chance or skill, not enumerated in ordinance.
5. Applications for license must be made to City Council. What application must contain. Council may grant or refuse application.
6. If Council grant application, money for license to be paid to the City Treasurer. Treasurer to give receipts, and Mayor to issue license. What license must contain. May be changed, when. Council may revoke license.
7. What indorsement to be made on license, when Council permits assignments, or change of place.
8. Licenses to terminate on first Monday in March. License can be used for no other place than that named in it.
9. Penalty for violating ordinances.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person or persons shall keep, or cause to be kept, any billiard table, nine-pin, ten-pin, or other bowling

alley, bagatelle table, Jenny Lind Table, or other kind of table, or place whatever, on or at which games of skill or chance are played, and for the use of which, or the privilege of playing thereon, any money or its equivalent, or any remuneration of any sort in lieu of money, shall be required, paid or received therefor, without first having obtained a license in accordance with the provisions of this ordinance.

SEC. 2. The keepers of billiard, bagatelle, Jenny Lind and other tables of similar character, shall pay for a license annually, as follows: For a single table, twenty five dollars. For two or more tables, fifty dollars.

SEC. 3. The keepers of bowling alleys shall pay an annual license of twenty-five dollars for each alley.

SEC. 4. The owners or keepers of any place where any games of chance or skill are played, and which is not enumerated herein, shall pay an annual license of twenty-five dollars; but this provision shall not be construed as authorizing the playing of any game of chance or skill for any purpose which is forbidden by the laws of the State of Iowa.

SEC. 5. All applications for any license, provided for by this ordinance, shall be made to the Council. Such application shall give the name of the applicant, the kind of license desired, and shall specify particularly the place where the thing, for which license is asked, is to be kept and used. The City Council may grant or reject the application, in its discretion.

SEC. 6. If the Council grant the application so made to it the applicant for such license shall thereupon pay to the City Treasurer the sum required for such license, who shall give a duplicate receipt therefor, one of which receipts shall be presented to the Mayor, who shall thereupon direct a license to issue to the party. Such license shall give the name of the party to whom, and the purpose for which, it is granted, the time of its continuance, and a particular description of the place where the thing licensed is to be kept or used. In all these particulars, the license shall correspond with the application for such license. Such license shall not be assigned, nor shall the place where it is to be operated be changed, without the assent of the Council. The Council reserves to itself the right to revoke any license granted by virtue of this ordinance, at any time, for a violation of any of the State laws, or city ordinances, in relation to gambling or the sale of intoxicating liquors, or for riotous, disorderly or tumultuous conduct in the place to which such license applies, or for permiting minors to engage in any games therein played, or for any other abuse of the privileges given by such license, which reservation shall be incorporated in said license.

SEC. 7. Whenever the Council shall assent to the assignment of any license, or to any change in the place described in such license, it shall be the duty of the person to whom such license was granted, to present the same to the City Recorder, who shall thereupon, in case of an assignment, endorse on said license the following words, or words equivalent thereto: "Permission given by the City Council (herein insert date of such permission) for the assignment of the license to (here insert name of person to whom assignment is to be made.) In case of a change of place, the Recorder shall endorse on said license the following words, or others of like meaning: "Permission given by the City Council (herein insert date of such permission) to have the place described in the license changed to (here describe the place to which the change is to be made.) The permission to make an assignment of the license, or to change the place for which it was originally given, shall not be operative or effectual until the endorsement, herein required, shall have been made and attested by the Recorder. The Recorder shall be entitled to charge twenty-five cents for each and every endorsement made under the provisions of this section.

SEC. 8. All annual licenses, granted under the authority of this ordinance shall, as far as practicable, terminate on the first Monday of March next following the date of such licenses. Licenses may be granted for less than a year, but no license shall be granted for a period less than three months, intervening between the time when application for a license is granted by the City Council, and the first Monday of March following. In such case a license may be granted until the first Monday of March following, and in order to avoid fractions or parts of a month, the time shall be counted from the first Monday of the month in which the license is issued to the first Monday of March following. Where licenses are granted for a less time than a year, the charge for such license shall be proportioned to the time it is made to run. If for six months, it shall be half the amount charged for an annual license; for three months, one-fourth of such amount, and so on. No license can be used for any other place than that mentioned in, or duly endorsed on such license.

SEC. 9. Any person violating the provisions of this ordinance in operating or controlling any of the tables or alleys mentioned or contemplated herein, without first having a license therefor, shall upon conviction thereof, pay a fine of not less than the amount of such license, and in default of payment of such fine, shall be imprisoned therefor, until such fine be paid, or he be released in due course of law. And

where any person undertakes to act upon the permission of the Council, to either assign or change the place of his license, without having the indorsement made by the Recorder, as herein required, he shall, upon conviction, forfeit and pay a fine of not less than five dollars and costs, and the Council may, if it sees proper, revoke such license.

CHAPTER XXVI.

LICENSES.

AN ORDINANCE requiring licenses to be taken out by any person giving Exhibitions, where Tickets of Chance are sold or given, or Prizes drawn for, by keepers of Dollar Stores, Ninety-nine Cent Stores, and other transient merchants.

1. Exhibitions where tickets of chance are given or sold, and gift enterprises, must take out license.
2. Dollar stores, ninety-nine cent stores, bankrupt stores, or vendors selling in the streets from stands or wagons, or peddling dry goods, notions, etc., must take out license.
3. Licenses to run not more than thirty days, may be renewed. Not to exceed twenty dollars per day, in discretion of Mayor.
4. How license to be obtained.
5. Penalty.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That no person shall be permitted to give any exhibition, where tickets of chance are sold or given, or prizes drawn for or given, or shall open or manage, or take charge of any establishment or scheme, known as a gift enterprise, or any other store room, or other place, where tickets of chance of any sort or kind, or in any manner are sold, or prizes are drawn for, without first having obtained a license therefor, as herein after provided.

SEC. 2. Any person bringing here any stock of goods, wares or merchandise, with intent to remain only transiently, and offering to sell the same in stores known as "Dollar Stores," or "Ninety-nine Cent Stores," or other stores, similar in kind, or as stores for the sale of bankrupt stocks, or travelling vendors, who shall sell their wares in the streets from stands or travelling wagons, or shall peddle dry goods, notions, etc., from house to house, shall take out license before attempting to make any sales, or do any business.

SEC. 3. In the cases for which provision is made in the two preceding sections, licenses may be granted for any number of days not exceeding thirty days; and the Mayor may, in

his discretion, fix the amount of license to be paid per day in each of the above enumerated cases ; but in no case shall the amount exceed the rate of twenty dollars a day. Licenses may be renewed for the same, or a shorter period of time.

SEC. 4. Any person desiring to take out a license for any of the purposes contemplated by this ordinance, shall, after ascertaining the amount to be paid by him per day, pay to the Treasurer the amount required for the number of days he desires a license, and the Treasurer shall give to him receipts in duplicate therefor, and upon depositing one of said receipts with the Mayor, the Mayor shall order a license to issue to him, describing the kind of business, and specifying the number of days the license is issued for.

SEC. 5. Any person violating the provisions of this ordinance, shall, on conviction thereof, pay a fine of not less than five dollars, nor more than fifty dollars for each offence.

CHAPTER XXVII.

LICENSES.

AN ORDINANCE for the licensing of Circuses, Menageries, Shows, etc.

1. Circus traveling by land must pay thirty dollars for each day's exhibition. By water, must pay fifty dollars. Circus and menagerie combined, traveling by land, must pay forty dollars; by water, seventy-five dollars.

2. Menageries to pay twenty dollars for each day's exhibition.

3. Side shows to pay from ten to twenty-five dollars for each day's exhibition.

4. Other exhibitions to pay not more than ten dollars.

5. Penalty for violating preceding sections.

6. Exhibitors of wild beasts not to exhibit the same on public thoroughfares, so as to endanger the lives and property of persons lawfully thereon.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That the owners or managers of Circuses, traveling by land, shall pay thirty dollars in cash for each day's exhibition in the City of Muscatine, and those traveling by boat or river, shall pay fifty dollars in cash, for each day's exhibition in said city. Exhibitions of wild animals and circus combined, shall pay as follows: Those traveling by land shall pay in cash, forty dollars for each day's exhibition in said city, and those traveling by water, shall pay seventy-five dollars in cash for each day's exhibition.

SEC. 2. The owners or managers of menageries of wild animals, shall pay twenty dollars in cash, for each day's exhibition.

SEC. 3. The owner or manager of each side show, accompanying any circus or menagerie, shall pay in cash not less than ten, nor more than twenty-five dollars (in the discretion of the Mayor) for each day's exhibition.

SEC. 4. Traveling exhibitions of legerdemain, wax figures, paintings, statuary, theatrical plays, concert troupes, and any person engaged in giving any public entertainment, exhibition or show of any kind whatever, to which a charge for admission is made, shall pay for each day's exhibition, ten dollars or less, in the discretion of the Mayor. But no license shall be required for lectures, nor for concerts or other entertainments, given by amateurs for charitable or public uses.

SEC. 5. Any person or persons violating the provisions of any of the preceding sections, shall, on conviction thereof, pay a fine of not less than the amount required to be paid for a license for the particular exhibition, entertainment, show, etc., which he or they shall undertake or attempt to give.

SEC. 6. No person or persons to whom any license is granted for the exhibition of any kind of wild beasts, shall be permitted to exhibit the same, or any of them, in the public thoroughfares of said city, in such manner as to frighten teams, or endanger the lives and property of persons, lawfully using such thoroughfares. Any person violating the provisions of this section, on conviction thereof, shall pay a fine of not more than one hundred dollars and costs, and in default of such payment, may be imprisoned not more than thirty days, and in addition thereto, be liable to a civil action on the part of any one entitled to damages, in consequence of such exhibition.

CHAPTER XXVIII.

LICENSES.

AN ORDINANCE for the licensing of Hacks, Omnibuses, and other vehicles, that carry passengers for hire.

1. Person running vehicles for the carrying of passengers, must take out license; amount of license.
2. How license obtained.
3. Licensed vehicles shall have same number as that on license, to be put in conspicuous place.
4. What may be charged for carrying passengers.
5. Drivers and owners must be quiet and civil in conduct, and not annoy passengers; must obey rules and regulations of Company or Society; when.
6. Persons offending may be arrested.
7. Licenses, when made to expire. Permits may be granted by Mayor; when and for what time.
8. Penalty for running without license, or for violating ordinance.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person shall be permitted to run any hack, carriage, coach, cab, stage, omnibus, or any other

vehicle, for the carrying of passengers, in the city, without first having obtained a license therefor, for which he shall pay the sum of five dollars for each vehicle.

SEC. 2. Any person desiring to take out a license for any of the vehicles mentioned in, or contemplated by, this ordinance, shall deposit with the City Treasurer the sum of five dollars, and the Treasurer shall thereupon give him duplicate receipts therefor, one of which shall be presented to the Mayor, who shall direct a license to issue.

SEC. 3. Every vehicle licensed, under the provisions of this ordinance, shall be numbered—the number to be the same as that on the license, and put in some conspicuous place on the vehicle.

SEC. 4. Any person who shall have obtained a license to run any vehicle for carrying passengers, shall be permitted to charge as follows: For carrying one passenger any distance within said city, not exceeding one mile, twenty-five cents; for every additional mile or fraction thereof, twenty-five cents.

SEC. 5. No owner or driver of any hack, cab, coach, stage, omnibus, carriage, or other like vehicle, while seeking passengers at any railroad depot, or at any other public place, or waiting for employment at any stand, shall unnecessarily snap or flourish any whip, or use any indecent or profane language, or be guilty of boisterous or loud talking, or of any disorderly conduct, or vex or annoy travelers or citizens, or obstruct any sidewalk. And such owners and drivers are required to obey any and all rules and regulations made by any company or society, not inconsistent with any ordinance of the city, for the promotion of order at any landing or depot, used by such company, or at any place used by such society, for its accommodation.

SEC. 6. Any police officer shall have power to arrest any person offending against the provisions of this ordinance, or who refuses or fails to desist when commanded or required so to do.

SEC. 7. All licenses, issued under the provisions of this ordinance, shall be made to expire on the first Monday of March following, and no license shall be issued for a shorter period than three months. But the Mayor may issue permits, when the agricultural fair is in progress, and on like occasions, to persons not regularly licensed, to run vehicles for a period of not more than five days, and for which they shall pay not more than five dollars per day. Where permits are issued under this section, such permit shall be carried by the driver, and exhibited to any police officer of the city, who may require its production.

SEC. 8. Any person undertaking to run any vehicle for the carriage of passengers for hire, without first having taken out a license, or permit therefor, shall, on conviction thereof, pay a fine of not less than the amount herein required for such license, and any person who shall violate any other provision of this ordinance, shall, on conviction thereof, be deemed guilty of a misdemeanor, and may be fined in a sum not exceeding twenty dollars, and in addition thereto, the Council may, if it sees proper, revoke the license of such person.

CHAPTER XXIX.

LICENSES.

AN ORDINANCE in relation to licenses for Peddlers.

1. Peddlers to take out license. Who are to be regarded as peddlers. Who not.
2. Who are to be regarded as wholesale peddlers. License required of them.
3. Retail peddlers must have receipts of Treasurer, before Mayor can issue license.
4. Wholesale peddlers must have like receipt.
5. Penalty for violating ordinance.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That Peddlers shall pay to the city an annual license of ten dollars. Any person engaged in the business of retailing any wares, goods or merchandise, fruits, vegetables, meats, fish or other edibles, along or upon the public streets, or from house to house, shall be deemed a Peddler. *Provided*, however, that this section shall not be construed to apply to any person retailing productions of his or her own raising or manufacture.

SEC. 2. That all persons who sell goods of any description, within the limits of the city, at wholesale, from a wagon, shall be and are hereby declared, wholesale peddlers, and before undertaking to make any such sales, shall obtain from the Mayor a written permit to make the same, and shall be charged for such permit, seven dollars for the first day they are engaged in selling, and five dollars for each additional day.

SEC. 3. Retail peddlers, as the same are defined in the first section of this ordinance, shall, before undertaking to make sales, pay to the Treasurer, the sum herein required for a license, and take from the Treasurer, duplicate receipts, one of which shall be presented to and left with the Mayor, who shall thereupon direct the proper license to issue to the applicant therefor.

SEC. 4. Wholesale peddlers, as they are herein defined, shall, before offering to sell, pay to the Treasurer the amount herein required for the number of days they desire to sell, who shall give receipts in duplicate, one of which shall be left with the Mayor, who shall thereupon order to issue a written permit, authorizing sales for the number of days for which they have paid.

SEC. 5. Any person violating any of the provisions of this ordinance, shall, upon conviction thereof, be fined in a sum not less than the amount required for the license or permit, as the case may be, and not more than one hundred dollars.

CHAPTER XXX.

LICENSES.

AN ORDINANCE regulating Sales in the Streets.

1. Vendors of goods, wares and merchandise, must obtain license.
2. Applicant to pay license fee.
3. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That it shall not be lawful for any traveling vendor of goods, wares, or merchandise, of any description, to expose such goods, wares or merchandise for sale, in any of the streets or alleys, or other public grounds of said city, from stands erected in said streets, alleys or other public grounds, or by occupying any part of said streets, alleys or other public grounds, for teams or vehicles of any kind used as stands, for the sale of any of the above mentioned articles, without having first procured from the Mayor of said city, a written permit for that purpose.

SEC. 2. Any person who is desirous of obtaining a permit for the purpose aforesaid, shall pay to the City Treasurer, for the use of said city, a sum not less than five dollars, nor more than twenty-five dollars per day, and a fee of fifty cents to the officer giving such permit.

SEC. 3. Any person violating the provisions of this ordinance, shall forfeit the sum of fifty dollars, for each day he shall be guilty of such violation; such penalty to be recovered by summary process before the police court.

CHAPTER XXXI.

LICENSES AND PERMITS.

AN ORDINANCE prescribing the Fees to be paid for issuing Licenses and Permits.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That the Recorder shall be entitled to receive the sum of one dollar, for issuing a license to a Circus or Menagerie, and the sum of fifty cents for issuing all other licenses, and the same sum for issuing permits. The fees for issuing such licenses or permits, shall be paid by the applicants, or applicants therefor, before the same are issued.

CHAPTER XXXII.

MISDEMEANORS.

AN ORDINANCE declaring certain offenses to be Misdemeanors, and punishing the same.

1. Offenses declared misdemeanors.
2. Disturbing the peace of the public, or of private individuals.
3. Permitting disturbances in house, or on premises.
4. False alarm of fire.
5. Keepers, inmates, and frequenters of bawdy or assignation houses.
6. Indecent exposure in a dress belonging to the other sex, or indecent or lewd behaviour; exhibiting lewd books or pictures; performing immoral or lewd plays.
7. Bathing in the Mississippi River in the day time.
8. Pasting bills or notices in places forbidden.
9. Throwing stones or other hard substances.
10. Coasting.
11. Discharging fire arms, cracking torpedoes, squibs, etc., or throwing fire brands.
12. Driving sleigh without bells.
13. Cleaning snow and ice from sidewalk; who to do it and when to be done.
14. Speed of cars; unnecessary whistling, ringing of bell; duty of engineer and fireman.
15. Swindling, and devices for swindling.
16. Stallions, jacks or bulls, how to be kept.
17. Flesh of animals that die a natural death, or are killed out of the ordinary way of butchering, or tainted, or unsound flesh, butter, lard or vegetables, offered for sale.
18. Persons found drunk in public places, or in a drunken sleep on private premises, without permission.
19. Vagrants.
20. Inhuman treatment of animals.
21. Carrying concealed weapons.
22. Resisting and willfully refusing to assist officer.
23. Interfering with the Mayor, or other officer in the discharge of his duty.
24. Punishment.
25. General provisions.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That the several acts and offenses, named in this ordinance, are hereby declared to be misdemeanors.

SEC. 2. Any person or persons, who shall disturb the quiet of the city, or of any lawful assembly of persons whatsoever, or of any locality or neighborhood, family or person, within the city, by any loud or unnecessary noise, by blowing horns or other instruments, by ringing bells, or rattling, or making any unnecessary noise with kettles, or other sounding vessels, or instruments; by hallooing, shouting, bellowing, howling or screaming; by indecent, or obscene, or profane language or conduct; or by threatening, quarreling or fighting, or by assaulting, or challenging to fight, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person keeping, or having charge of any house, building, shop, or place of any description, who shall suffer or permit therein, any loud and boisterous talk, or conversation, or any profane or obscene language, or any species of disorder or tumult, which may alarm or disturb the neighborhood, or persons passing on any public street or highway, shall be deemed guilty of a misdemeanor.

SEC. 4. Any person who shall knowingly cause a false alarm of fire, shall be deemed guilty of a misdemeanor.

SEC. 5. Any person keeping, or having charge of, or being an inmate of a bawdy house, or house of ill-fame, or house of assignation, to which persons resort for purposes of prostitution, shall be deemed guilty of a misdemeanor. Any person found in such house, whether male or female, will be deemed to be there for an immoral purpose, and shall be considered guilty of a misdemeanor.

SEC. 6. Any person who shall publicly exhibit himself or herself, in a nude condition, or in a dress not belonging to his or her sex, or in any indecent or lewd dress, or shall be guilty of any indecent behavior, or lewd act, or shall exhibit any indecent or lewd book or picture, or shall exhibit or perform any immoral or lewd plays, or other representations, shall be guilty of a misdemeanor.

SEC. 7. Any person who shall bath, wash, or swim in the Mississippi river, within the city limits, in the day time, unless in some bathing house therein, when naked, or insufficiently clad, shall be deemed guilty of a misdemeanor.

SEC. 8. Any person who shall post, or cause to be posted, any bill, placard, poster, or notice, on any building, wall or fence, on which the owner thereof shall have posted a notice in the words, "Post no bills," or any notice of the same purport, shall be guilty of a misdemeanor.

SEC. 9. Any person who shall throw stones, sticks, or other hard substances, or snow balls, on, along, or across any street, alley, or other public highway, or in any public place; or who

shall throw stones, or any other dangerous or offensive substances, at any steamboat, or other boat ; any locomotive, or railroad train ; or at any house or other building, shall be guilty of a misdemeanor.

SEC. 10. Any person, who shall make use of any street, or sidewalk for sledding or coasting, except such street as the Marshal may designate to such use, shall be guilty of a misdemeanor.

SEC. 11. No person shall be permitted to discharge any kind of fire arms, set off fire crackers, torpedoes, squibs, or other articles containing explosive materials, throw fire balls, made of combustible material, or make bonfires. This section is not to extend to any manufacturer, trying or proving articles manufactured by him, nor to the shooting of dogs, by any one authorized so to do, by ordinance.

SEC. 12. Every person who shall drive a sleigh, cutter, or other similar vehicle, on any street, or other public highway of the city, shall have bells attached to the horse or vehicle. Any person so driving without bells, as above required, shall be deemed guilty of a misdemeanor.

SEC. 13. It shall be the duty of every person occupying any house, or building, fronting on any sidewalk of wood, brick, stone, or other substance, and of every person owning unoccupied property so fronting, to have any snow or ice that may have fallen, or been formed on such sidewalk, cleared off the same by nine o'clock in the morning, and to keep the same cleared. Where there are several occupants of a building, fronting on a sidewalk, it shall be the duty of the person or persons occupying the first or ground floors, to keep such sidewalks clear of snow and ice. Every person neglecting to clear off said side walk by the hour herein named, or to keep the same free from snow and ice for the space of twenty-four hours, after the same shall have fallen, or been formed, or accumulated, shall be deemed guilty of a misdemeanor ; and shall be guilty of a separate offence every twelve hours such sidewalk shall remain so encumbered, after notice from the Marshal, or any police officer, to remove and clear off the same.

SEC. 14. No cars shall be run within the city limits at a greater rate of speed than six miles an hour, nor shall any unnecessary whistling be done by any locomotive, while the same is in motion or at a stand. Every locomotive shall have a bell, of sufficient size and tone, which shall be kept ringing, while passing through the city. Any engineer, fireman, or other person, whose duty it shall be to comply with the provisions of this section, and who fails so to do, and any person who violates any of its provisions, shall be guilty of a misdemeanor.

SEC. 15. Every person who engages or aids in any game, device, trick or scheme designed, or intended to cheat, swindle or defraud any one out of any money, or other property, or who shall attempt, or aid in attempting, to cheat, swindle or defraud any one of any money or property, by any game, trick, scheme, or device, or who has in his or her possession in the city, any implement, token or device, used in any game of chance, sleight of hand, trick or scheme, calculated or intended to cheat, swindle, or defraud any one out of money or property, shall be deemed guilty of a misdemeanor, and be punished accordingly.

SEC. 16. No person shall keep within the city, to let to mares, jennies or cows, any stallion, jack or bull, without providing an enclosure, so constructed and situated, as to exclude, effectually, all view from the outside, and prevent the noises therein from being heard by those in the vicinity, and who shall not, in addition thereto, have received from the Mayor, a written permit to use such stallion, jack or bull, at such place. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

SEC. 17. Any person who shall sell, or offer to sell, or expose for sale, in the city, the flesh of any animal that was diseased, overheated, or run down by dogs, at or before the same was butchered or slain, or that had died a natural or violent death, out of the usual manner of killing animals for food, or shall sell, or expose for sale, any putrid, blown, tainted or unsound meat or flesh, or any rotten or unsound eggs, butter, lard, vegetables, fowls, game, or other unsound articles of food, shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 18. Any person who shall be found drunk or intoxicated, on any street, or other public place in the city, or who shall be found in a drunken sleep on any street, alley or other public place, or on any private property not his own, nor in the occupancy of the person with whom he lives, and being unable to show the permission of the occupant, shall be deemed guilty of a misdemeanor ; and it shall be the duty of any member of the police force, to arrest and commit any person so found drunk or intoxicated, until he shall have become sober, and then bring him before the Police Judge for trial.

SEC. 19. Any person able to work and support himself, in any honest and respectable calling, who shall be found loitering or strolling about any street, alley, or any other public highway or place, or in any private place within the city, not having any regular or lawful business, or who shall occupy for the purpose of lodging, or any other purpose, any barn, shed,

shop, or place, other than such as is kept for that purpose, without permission of the person entitled to the occupancy thereof, or having charge of the same; all prostitutes, all frequenters, occupants, solicitors and keepers of bawdy houses, or places for the resort of prostitutes or lewd women; all gamblers, tricksters and disorderly persons; all gypsies, fortune tellers, street beggars, and all persons without visible and lawful means of support or livelihood, who shall be found in the city, are declared vagrants, and shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 20. Any person who shall inhumanly treat, injure, overload, overwork, turn out to die, or otherwise abuse or maltreat any dumb animal, shall be deemed guilty of a misdemeanor, and be punished accordingly.

SEC. 21. Every person who shall be found carrying any dangerous weapon, concealed on his or her person, shall be deemed guilty of a misdemeanor, and punished accordingly. This section shall not apply to police officers, and other persons whose duty it is to execute process or make arrests.

SEC. 22. Whoever shall unlawfully resist any police officer of the city, in the discharge of his duty, shall be deemed guilty of a misdemeanor; and any person willfully refusing to assist a police officer in making an arrest, when called upon so to do, shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 23. Any person who shall interfere with the Mayor of the city, or any police officer, or any other person authorized and required to enforce the laws of the city, to prevent, hinder or delay such officer or person, in the execution of any of the duties required of him, by any of the ordinances of the city, or by any of the provisions of the Charter, or by any general law applicable to the city, shall be deemed guilty of a misdemeanor, and be punished accordingly.

SEC. 24. The punishment for any of the offences herein described as misdemeanors, (when the penalty is not in some other ordinance specified,) shall be a fine of not less than one dollar, nor more than one hundred dollars and costs, and by imprisonment in the jail until such fine is paid; such imprisonment, however, not to exceed thirty days. Where any other ordinance describes an offence as a misdemeanor, without designating the penalty therefor, the punishment shall be the same as herein specified.

SEC. 25. Where any ordinance, in general terms, imposes a penalty, forfeiture, or fine for the violation of any of its provisions, and nothing is said therein in regard to imprisonment for the failure or refusal to pay such penalty or fine, such violation shall be regarded as a misdemeanor, and punishable, as

such, by fine or imprisonment, as herein provided. Where, however, such ordinance limits the penalty or fine it authorizes, to a sum less than one hundred dollars, nothing herein contained shall be construed to enlarge or increase such penalty or fine.

CHAPTER XXXIII.

NUISANCES.

AN ORDINANCE in relation to Nuisances.

1. Extending sign more than three feet from wall, or nearer than eight feet from sidewalk.

2. Awnings, relating thereto.

3. Merchants not to use more than two and one-half feet of sidewalk for exhibiting goods. Must be next building. Goods not to be suspended more than two feet from building, or to incommode passage.

4. Piling lumber, wood and timber on highways, and incumbering them with boxes and other material. May be used for receiving and delivering goods, but not longer than two hours, or for unloading wood.

5. Permit may be granted by Mayor for using part of street for erection or repair of building. Gutters must be kept clear. Conditions of permit must be observed.

6. Excavating on line of street for cellar or otherwise, proper barriers must be provided.

7. Sweepings, shavings, mud, ashes, straw, rubbish, etc., not to be thrown on any sidewalk, gutter, street or alley; dirt or rubbish not to be unloaded from any cart, etc., except as directed by the Street Commissioner.

8. Dead carcass and other things not to be thrown or left on any public ground or sluice-way, gutter or water-course, or sewer, or open common, or left exposed on private premises.

9. Beasts of burden must be properly fastened, or in care of proper person.

10. Passage on streets, or to and from alleys, must not be impeded.

11. Vehicle in street, standing so as to interfere with convenient use of highway, must be moved on request.

12. Immoderate driving forbidden. Must not drive on sidewalk, or hitch so as to get on and stand on sidewalk.

13. Public grounds not to be dug into, or anything pertaining thereto taken away, except by consent of Council. No filth or other nuisance to be thrown or left thereon.

14. Foul or poisonous liquor not to be discharged from any factory. Stale or putrid fat or grease not to be kept, collected or used by any butcher or chandler. Dead carcass on private ground, or excrement or filth, must have covering of earth sufficient to prevent smell.

15. Gutters from houses, or waste water from wells or cisterns, must not be discharged on sidewalk.

16. Privies, how to be constructed, and when.

17. Privies that are foul and emit smells, must be cleansed and purified. Order of Marshal or Health Inspector, to be obeyed.

18. Hog pens; where and how to be kept.

19. Slaughter house, soap factory and tallow chandlery, cannot be operated without permit from Council.

20. Slaughter houses, soap factories and chandleries, how to be conducted.

21. Hospital, buildings used for; must have permission from City Council, and consent of neighboring property owners.

22. Prohibiting the manufacture of gas in certain limits.

23. Nuisances that are declared such at common law, or by the statutes of Iowa, are declared nuisances by the ordinance.

24. How nuisances are to be abated, and at whose cost.

25. What persons ordered to abate nuisance may do, if they wish to inquire into their liability.

26. Duty of Mayor, in cases where liability to remove nuisances is submitted to him.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. No person shall be permitted to erect, or suffer

to remain, any sign of wood, cloth or other material, that shall extend over the sidewalk more than three feet from the line of the building to which such sign is attached, or nearer than eight feet to the sidewalk immediately below it.

SEC. 2. No person shall hereafter place any post, rail, or other obstruction, in any of the streets, alleys or highways of the city, for the purpose of fastening thereunto, any awning, or erect any shed, or awning of boards, projecting into or on any street, alley, or other public highway, or drop any awning nearer than seven and one-half feet from the sidewalk, immediately below, and suffer the same to continue, so as to incommode passage, or interfere with the view from the sidewalk, into or across the street.

SEC. 3. No merchant, trader, manufacturer, or other person having any goods, wares or commodities for sale, shall be permitted to occupy more than two and one-half feet of the sidewalk, immediately in front of his place of business, for the exhibition of any articles he may have for sale. The two and one-half feet here allowed him, must be next to and adjoining his place of business. Any such person occupying any other portion of the sidewalk, or of the streets, for the exhibition of his goods, wares and commodities, shall, on conviction thereof, be punished for a violation of this section. No person shall hang or suspend from his place of business, any goods or merchandise, intended for sale, at a greater distance than two feet from the building, or other erection, and no goods or merchandise, shall be so hung or suspended, as to incommode passage.

SEC. 4. No person shall be permitted to pile timber, lumber or wood, on any of the streets, alleys or other highways of the city, or to incumber the same with boxes, timber, lumber, wood or any other material. This section shall not be construed so as to prevent any merchant, or other persons engaged in trade, from using the streets and public thoroughfares, in receiving and delivering goods, or to prevent the unloading of wood, or any other article, belonging to the occupant of the adjacent premises, and to be taken thereto. Merchants and other traders, receiving or delivering goods, must not suffer the same to remain in the street, or on the side walk, longer than two hours; and wood and other articles intended for use, must be removed without unnecessary delay.

SEC. 5. Any person engaged in the erection or repair of a building, may obtain from the Mayor, a permit to occupy a portion of the street, immediately in front of such building, and may place thereon material intended for such building.

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Such permit shall be in writing, and shall specify how much and what part of the street shall be so occupied. The Mayor may include in the permit, such conditions as a due regard for the convenience of the public may require. It shall be the duty of the person, to whom such permit is granted, whether the same is made a condition of the permit or not, to keep the gutters free from obstructions. Such occupancy must not be prolonged for an unreasonable length of time. Any person, to whom a permit is given, who shall violate the conditions included therein, shall forfeit all the rights given by such permit, and such violation shall be deemed a violation of the provisions of this section, and he may be prosecuted therefor.

SEC. 6. Any person who shall make any excavation for a cellar, or for any other purpose, in the line of any street, alley, or other open and exposed place, shall immediately enclose the said excavation with proper and suitable barriers, as a protection against accident and injury to persons or animals.

SEC. 7. No person shall throw, or cause to be thrown, any sweepings from any store, room, or other building, shavings, ashes, mud, straw, rubbish, dung, or any other filth or annoyance, on any pavement or sidewalk, or in the gutter, street, alley, or other highway, or shall unload, or drop from any cart, wagon, or other vehicle, any rubbish, earth or dirt, in any street, alley, or other public thoroughfare, or upon any public ground, except by the direction of the Street Commissioner, who shall designate the place where the same shall be unloaded or dropped.

SEC. 8. No person shall throw in any street, alley or other public thoroughfare, or into any sewer, gutter, sluice way or water course, upon any public ground, or on any open common, or leave exposed upon any lot or ground he may be occupying, the dead carcass of any animal, or any putrid or unsound flesh, fish, house dirt, offal, filth, or waste matter of any kind, or any putrid or unsound substance.

SEC. 9. No person shall leave any horse, mule or jack, upon any street, alley, or other public thoroughfare, or upon any open and unenclosed ground in said city, except under the immediate care of some person capable of controlling such animal, or without having the same properly fastened, or otherwise properly secured, against running off or breaking away.

SEC. 10. No person shall stop any wagon, dray, carriage or other vehicle, so as to interfere with the convenient passage, on any street or public road, or to interrupt egress or ingress to or from any alley.

SEC. 11. No wagon, dray, or other vehicle, shall be permitted to stand, or to remain upon any street, alley, or other public thoroughfare in the city, in such a situation as to interfere with the convenient use of the same. Any person having charge of such wagon, dray, carriage or other vehicle, shall remove the same, at the request, either of a police officer, or a private citizen.

SEC. 12. No person shall be permitted to ride or drive any horse, mule, or other beast of burden, whether attached to a vehicle or not, in any street, alley or other highway of the city, or upon any unenclosed ground, where persons may be collected, faster than an ordinary traveling gait. Nor shall any person ride or drive, or lead any horse, or other beast of burden, on any sidewalk of the city; nor shall any person hitch or leave any horse, mule, or other beast of burden in such manner that it can get upon, and stand on the sidewalk.

SEC. 13. No person shall dig into the wharf, public square, or other public ground belonging to the city, or take therefrom any earth, dirt, rock, or other thing belonging to such wharf, public square, or other public ground, except by authority of the Council; nor shall any person throw, leave or deposit on any such wharf, public square or other public ground, anything which, by the provisions of this ordinance, is forbidden to be thereon left.

SEC. 14. No person having the control and management of any factory, work shop, or other building, within the limits of said city, shall discharge, or suffer to be discharged therefrom, any foul or poisonous liquor, of any kind whatsoever, into or upon any adjacent grounds, or in any well, vault or sink; or into any of the streets, alleys or other public highways; nor shall any butcher or tallow chandler, keep, collect, or use, or cause to be kept, collected or used, within said city, any stale, putrid or stinking fat, grease or other matter; nor shall any person lay or throw the dead carcass of any animal, or any excrement or filth, from any privy, without covering such carcass, or excrement, or filth, with earth sufficient to prevent any stench or smell arising therefrom.

SEC. 15. No person shall have the gutters of his house so constructed or placed, as to discharge the waters therefrom on the sidewalk; nor shall any person, owning or controlling any well or cistern, suffer the waste water therefrom to be discharged on any sidewalk or street.

SEC. 16. Any person who shall hereafter construct, or cause to be constructed, any privy or privy vault in the city, shall place the same so that it shall be distant, at least two feet from the line of the adjoining lot, (unless the owner of the

adjoining lot shall agree that it be placed nearer) and the same distance from the line of any street, alley, or other public highway. Such privy vaults shall be not less than four feet in depth, and shall be securely and substantially walled; and if the depth of such vault be six feet or more, it shall be walled with brick or stone, in a substantial and durable manner. All privy vaults shall be so constructed as to be easily cleaned.

SEC. 17. When any noxious or offensive odors are emitted from any privy, which may affect the health or the comfort of the neighborhood, it shall be the duty of the owner, his agent, or the occupant of the premises, to disinfect said privy without delay, and to cleanse it, so as to prevent a recurrence of such odors. The Marshal or any health officer of the city, may, upon complaint being made to him, order the owner, his agent, or the tenant, to disinfect and cleanse the said privy forthwith. If such order is not complied with within twenty-four hours, the officer shall proceed to have the said privy disinfected or cleaned, and the owner, or the tenant, or both, when the order has been given to both, shall be liable for all the expenses thereby incurred, and a civil action may be instituted for the recovery of such expenses. In addition thereto, such person or persons shall be liable to a fine for a violation of this ordinance.

SEC. 18. No person shall keep any hog pen, in which hogs or pigs are kept, within eighty feet of any dwelling house but his own, or which may, in any way, annoy the neighboring residents; nor shall any pig pen, be so placed, that the slops or filth therefrom will be discharged on the land of the adjoining owner, or upon any street, alley or other public highway.

SEC. 19. No person shall use any building for a slaughter house, soap factory, or tallow chandlery, without first applying to, and getting permission from the Council, to so use such building. The Council may, in granting such permission, include therein such conditions as a due regard for the health and comfort of the public may seem to require.

SEC. 20. No slaughter house, or place where animals are slaughtered, soap factory, chandlery or glue factory, shall be so conducted as to be prejudicial to the health, or an interference with the comfort of those in its vicinity. All person having charge of any such business, shall use all proper precautions to prevent annoyance to the public, and any person violating any condition imposed by the Council in its permission to use any building, or place for any of the purposes mentioned in the section immediately preceding, shall be deemed to have violated the provisions of this ordinance, and shall be liable to a fine therefor. In addition thereto, the

Council may revoke such permission, and steps may be taken to have the matter complained of abated as a nuisance, as in this ordinance provided.

SEC. 21. No hospital shall be established, and no building for the reception and medical treatment of sick or diseased persons, within the limits of the City of Muscatine, by any person, association or corporation, without a special permit from the City Council, authorizing the establishment of such hospital, or the use of a building for the purpose aforesaid. Before such permit shall be granted, the written consent of the owners of not less than three-fourths of the block upon which such hospital or building is situated, and also a like number of the owners of the block opposite thereto, must first be had, and presented to, and left with, the Council.

SEC. 22. That it shall not be lawful for any person or company, to manufacture gas, or erect gas works, within the corporation, west or south of Oak street, or north or east of Broadway, under a penalty of one hundred dollars per month for every violation.

SEC. 23. The various matters, the doing of which, or the suffering of which to be done, is herein forbidden, are hereby declared nuisances. In all cases where no provision is made herein, defining what are nuisances, and how the same may be removed, abated or prevented—those offences which are known to the common law of the land, and the statutes of Iowa, as nuisances, may, in case the same exist within the city limits, be treated as such, and be proceeded against as in this ordinance provided, or by any other law which shall give the tribunal trying the same, jurisdiction.

SEC. 24. When any nuisance exists, such as is contemplated in this ordinance, it shall be the duty of the Marshal, or Health Inspector, if there be such officer, or any health officer, when apprised of the same by the Mayor, or any Alderman of said city, or any other resident of the city, forthwith to cause the same to be removed, abated, or its further existence or spread prevented ; and when this ordinance does not define how the same shall be prevented or removed, the same shall be done by the Marshal or Health Inspector, or other officer, at the expense of the person placing the same within the city, or suffering the same to exist on or about their premises, at his, her or their expense ; and for all abating or removing under this, or by virtue of any other law, or ordinance of the Council, hereafter passed, by the proper officer, or under his instruction, the person or persons whose duty it should have been to remove or abate the same, shall pay all reasonable costs and charges for the same, together with

twenty per cent. added thereto, as a compensation to the proper officer for removing the same, and on neglect or refusal to pay the same, such person or persons shall be liable to a fine of not less than double the amount of such costs, and charges, and costs of suit, to be recovered, on prosecution of said party before the Police Judge of said city, and he, she or they may stand committed, until such fine and costs are paid, provided such imprisonment shall not exceed thirty days.

SEC. 25. When the Marshal or Health Inspector, or other health officer, shall notify any person or persons that a nuisance exists in, or about, or on, his, her, or their premises, that he, she, or they, are required to remove, abate, or prevent, such person or persons, may have the same inquired into, whether they are liable to remove, abate or prevent said nuisance, by forthwith notifying the Marshal or Health Inspector, or other health officer of the fact, and giving notice to the Mayor of said city within six hours, that he, she, or they, are not liable to comply with the order of the Marshal, or health inspector, or other health officer, and he, she or they desire that the same be inquired into. Said notice to the Mayor shall be in writing, and signed by the party denying that it is his, her or their duty, to remove, abate, or prevent such nuisances.

SEC. 26. It shall be the duty of the Mayor, on his receiving the notice in the last section, forthwith to inquire into the same, to take testimony in the matter, and determine the same on the very right of the case, as in this ordinance required, or as the laws of the land may require. And in case the Mayor shall find that it is the duty of such person or persons requiring such inquiry to be made, to remove, abate, or prevent such nuisance, he shall enter a fine of not more than one hundred dollars and costs of suit against such persons, and shall also issue an order to the Marshal or Health Inspector, or other health officer, to forthwith remove, or abate, or prevent such nuisance, and such person or persons shall pay double the amount of costs and charges for such abatement, removal and preventing, as is provided by this ordinance, and to be recovered in like manner; and where it can be done, the expense thereof may be assessed against the lot from which such nuisance was removed, and collected as a special tax.

CHAPTER XXXIV.

NUISANCES. STAGNANT WATER.

AN ORDINANCE providing for the drainage of lots or grounds, on which water has been allowed to remain and become stagnant.

1. May be drained or filled up by order of the Council. Notice to owners, how given.

2. Neglect. Marshal may fill or drain at expense of city, and costs become a lien on premises.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. Any lot or other ground within the city, upon which water collects, and becomes stagnant, shall be raised, filled up, or drained, as the Council may order or direct. And it is hereby made the duty of the Marshal, when directed by the Council, to give notice to the owner of such lot, or other ground, or the agent or proper representative of such owner, if residing in the city, and to non-resident proprietors, who have no agent or representatives, by publication in some newspaper printed in said city, for one week, to fill up such lot to such height, or to drain it in such manner as the order of the Council may designate, which shall be done within twenty days after the service of such notice, or the expiration of the time limited for the publication aforesaid.

SEC. 2. If such owner, or the agent or representative of such owner, shall refuse or neglect to fill up or drain such lot or other ground, in the manner and within the time prescribed in the order of the Council for such filling or draining, the Marshal shall have the same done at the expense of the city, and report the amount thereof, with all costs arising therein, to the City Council, and the Council shall thereupon assess such expense and costs on the lot or lots, or other ground so filled or drained, as a special tax, which special tax shall bear the same rate of interest, and be collected as other special taxes are collected.

CHAPTER XXXV.

NUISANCES. SURFACE AND OTHER WATERS.

AN ORDINANCE in relation to surface and other waters, and to prohibit obstructions to the flow thereof.

1. Owners or lessee of lot or other ground over which surface or other water drains, grading or filling it, must provide proper passage way for such water. Must make no dam or embankment to obstruct the flow of such water, or cause it to gather on the public thoroughfares, public property, or the private property of another.

2. When city may make such drain, or passage way, and tax the cost of the same to the property.

3. Penalty.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That where any owner, or lessee of any lot, or

part of lot, or other tract of ground, within the limits of this city, extending into, across, or bordering on any hollow or ravine, which constitutes a drain for surface water, or a water course of any kind, is desirous of grading or filling the same, and such grading or filling, or any dam or embankment that he may erect, or cause to be erected, on such lot or part of lot, or other tract, will have the effect to obstruct the flow of such water, and cause the same to accumulate on any public thoroughfare or public property, or on any private property within the limits of the city, belonging to another, he shall construct a drain or passage way through such lot, part of lot or ground, of sufficient capacity to readily carry off and discharge such water, at some place on such lot, part of lot or ground, where such waters have been accustomed to, and would naturally flow.

SEC. 1. If such drain or passage is not properly constructed, or is of insufficient capacity, or from any cause fails to carry off the water with reasonable promptitude, the Council may, on complaint being made to it, designate the size, kind, length, and course of such drain or passage way, and the time within which it shall be completed. If the owner or lessee of such lot, part of lot, or tract of ground, fail to make such drain or passage way of the kind, or within the time, prescribed by the Council, the Council may order a proper and sufficient drain, or passage way, to be made over or through said lot, part of lot, or tract of ground, at the expense of the owner, and assess the cost thereof as a special tax on the lot, or part of lot or ground, through or upon which such drain or passage way may have been constructed.

SEC. 3. Any such owner or lessee making such drain or embankment, or doing such grading or filling, without making the drain or passage way herein required, and water is thereby accumulated in the public thoroughfares of the city, or upon the property of the city, or the property of private individuals, shall further be deemed guilty of a misdemeanor, and on conviction thereof, be punished by a fine of not less than five, nor more than one hundred dollars.

CHAPTER XXXVI.

OFFICERS.

AN ORDINANCE relating to certain Officers of the City, and their duties.

1. Mayor shall see that the ordinances of the city are observed and enforced. May, with the approval of the Council, remit forfeitures and penalties. Shall from time to time give information, and make recommendations to the Council.

2. Shall call special meetings of the Council; when. Marshal to notify members of such special meetings.

3. To preside at meetings of the Council, and give the casting vote.

4. Has general supervision over city officers, and may examine into the condition of the business of their offices.

5. To report to the Council, official derelictions. Must call meetings of Council when the city funds are endangered.

6. Is conservator of the peace, and may call to his aid any male inhabitant in repressing violations. Penalty for failing to obey order of Mayor.

7. Shall sign all contracts in behalf of the city, and see that they are complied with.

8. Shall deliver receipts of the Treasurer to the Recorder.

9. Salary of Mayor.

10. Aldermen, duties of. When fined for non-attendance on meetings of Council.

11. Salary of Aldermen.

12. The Recorder shall take charge of city seal, when directed by the Mayor, and suffer no one to handle it but himself and the Mayor. He shall have the charge of all public papers and records, and shall record all bonds.

13. Shall furnish the Mayor with an abstract of unfinished business, and keep a record of Council proceedings. Shall record, attest, and index ordinances, and preserve proof of their publication.

14. Shall make report to the Council of all monies received and expended during the year, from what source received, and for what purposes expended.

15. Recorder to furnish copies to any city officer, and, upon payment, to others.

16. Salary of Recorder.

17. City Collector to make full report, for the past year, to the City Council, in January. What the report must contain.

18. Compensation of City Collector.

19. Treasurer to receive money belonging to the city, and pay the same out as ordered by the Council. Must make report in March; what such report must show.

20. To keep an accurate account of monies received and disbursed by him. How his accounts are to be kept.

21. Must pay orders out of the fund in which they are drawn. When warrants or orders may bear interest.

22. Must deliver to his successor, books, papers, money, etc., belonging to the city.

23. Salary of Treasurer.

24. Street Commissioner must see that streets and alleys are kept in proper repair When he shall confer with the Committee on Streets and Alleys. Can make no improvement except by order of the Council.

25. To employ labor for the streets.

26. Must report to the Council at each regular meeting. What such report must set forth. Duty of Council when such report is presented.

27. Mayor must furnish the Council at its first meeting in April, an estimate of street expenditures for the year. Estimate concurred in by Council to serve as a guide for such expenditures.

28. Salary of Street Commissioner.

29. Duties of other officers.

30. Officers of the city prohibited from using city funds for their own use, or speculating therewith.

Be it ordained by the City Council of the City of Muscatine:

MAYOR.

SECTION 1. That the Mayor shall be the chief executive officer of the city, and shall see that the ordinances of the city are duly respected, observed and enforced, within the

limits of the city. He shall have power, with the approval of the Council, to remit, in whole or in part, forfeitures and penalties, accruing under, or imposed for the violation of any ordinance of the city, and he shall, from time to time, give to the Council information concerning the affairs of the city, and recommend to its consideration such measures as he may deem of importance to the interests of the city.

SEC. 2. He shall, on the request of any two members of the Council from different wards, call special sessions of the City Council, by notice given through the Marshal, or his assistant. He may, on his own motion, call such meetings, whenever, in his judgment, the interests of the city require it, and direct the Marshal to serve notice thereof. When special meetings are called, the Council shall, when assembled, be informed of the cause for which it has been convened.

SEC. 3. He shall be present at all meetings of the Council, and shall act as President thereof; and when there is a tie upon any question before the Council, he shall give the casting vote. He shall sign all ordinances passed by the Council.

SEC. 4. The Mayor shall have a general supervision over all city officers, and may, as often as he shall deem necessary, examine into the condition of their respective offices, the books, papers and records therein, the manner in which the business of the office is conducted, and may call upon the officers of the city for information, in relation to any matter pertaining to the business of their office.

SEC. 5. The Mayor shall report to the Council all violations or neglect of duty, on the part of any city officer, which shall come to his knowledge, and when he believes the city funds, or property, are liable to be lost or injured, or in any manner endangered, he shall at once call a meeting of the Council, for the purpose of taking action in relation thereto.

SEC. 6. He shall be a conservator of the peace, within the city, and may call to his assistance the police, and if necessary, any male inhabitant of said city, to aid him in quelling or preventing any riot, disorder, or unlawful assembly, or in preventing or restraining any breach of the peace, within said city. Any police officer, or male inhabitant of the city, who, when so called upon, shall refuse to obey the orders of the Mayor, shall, on conviction thereof, be fined in a sum of not less than five, nor more than one hundred dollars.

SEC. 7. In all contracts between the city and any other party, he shall sign the same in behalf of the city, except when otherwise provided, and it shall be his special duty to see that the other contracting party faithfully complies with his, their, or its part of the contract.

SEC. 8. He shall deliver to the City Recorder, all receipts of the City Treasurer, upon which license, permits, etc., have been granted, to the end that the several amounts therein mentioned, may be charged up against the City Treasurer. He shall also perform all other duties required of him by the City Charter, and the various ordinances of the city, and resolutions of the Council, and generally to look after and see that the interests of the city are protected.

SEC. 9. The Mayor shall receive a salary of three hundred dollars per annum, which shall be payable quarter yearly.

ALDERMEN.

SEC. 10. Each Alderman shall perform such duties as are required of his office by the Charter and ordinances of the city. It shall be his duty to attend every meeting of the Council, general and special, of which he has had notice, and on failure to attend any of such meetings, he shall forfeit the sum of three dollars, to be taken out of his salary. Such forfeiture may be remitted by the Council, only when such absence is occasioned by the sickness of himself, or of some member of his family, absence from the city, or other unavoidable cause.

SEC. 11. The Aldermen shall each receive a salary of one hundred dollars per annum, for their official services.

RECORDER.

SEC. 12. The Recorder shall, when so directed by the Mayor, have charge of the common seal of the city, and shall affix it to all public instruments, or official acts of the Mayor, which by law or ordinance are required to be attested by the city seal. He shall, while said seal is in his charge, deposit it in some secure place, and permit no one to handle or use it but himself and the Mayor. He shall have the control of, and safely keep, all public records, documents and bonds, executed to the city; ordinances, resolutions and orders of the City Council, and such other papers and documents, pertaining to city affairs, as may be delivered into his custody. It shall be the duty of the Recorder to record at length, in his journal, or in a separate book kept for that purpose, all official and other bonds taken by the city.

SEC. 13. He shall attend all sessions of the Council, and shall furnish the Mayor with an abstract of all unfinished business; he shall keep a true and faithful journal of the proceedings of the Council, and shall also enter in a separate book, to be entitled, "Ordinance Book," a record of all ordinances passed by the Council, with their titles, and the times when they were passed. Each ordinance, when so entered, shall be signed by the Mayor in the "Ordinance Book," and

attested by the Recorder. All ordinances not published in book form, shall be properly indexed in alphabetical order. He shall see that each ordinance is published as directed by the Council, and in the manner required by the Charter. He shall also procure and preserve a printed copy of each ordinance passed by the Council, by having the same pasted in a proper manner, in a book for that purpose, together with the proof of its publication. Such printed copy and proof may be preserved in the ordinance book.

SEC. 14. It shall be the duty of the Recorder to prepare and have ready, for the inspection of the Council, at the last regular meeting of the outgoing Council in March of each year, a full report of all monies received and expended by the city, since the last annual election, with the source from which the monies were derived, and the purposes for which they were expended. He shall report at the end of his term, the amount of orders allowed, and not drawn, in his hands, belonging to different persons ; and he shall also perform such other duties as are, or may be, required of him by ordinance or resolution, or order of the City Council.

SEC. 15. It shall be his duty to furnish to any city officer a copy of any record, paper, or other public document, made or filed in his office, when the same may be necessary to said officer in the discharge of his official duties. He shall also furnish such copies to any other person that may desire the same, on the payment to him of twelve and a half cents per hundred words.

SEC. 16. The Recorder shall receive a salary of five hundred dollars per annum. In addition to the above allowance, the Recorder shall be entitled to fees that are now, or hereafter may be allowed, for issuing licenses, making certificates, furnishing transcripts of papers and records in his office, and for affixing the seal of the city to such transcripts, for which latter service, he shall receive the same compensation allowed the clerk of the District Court, for similar services. In no case, however, shall the city be required to pay for such services.

COLLECTOR.

SEC. 17. The Collector of taxes for the city, shall, in addition to other reports required of him by ordinance, make a full report to the Council, at its last meeting in January of each year, in which he shall state the gross amount of city taxes collected by him, for the year then ending. He shall, in such report, classify the different funds, on account of which taxes have been collected, and state what amount of tax belonging to each of said funds has been collected. He shall

also state the amounts paid to the Treasurer, or to any other person or persons, to whom he has authority to pay any part of the taxes so collected, and what balances, if any, are on hand, and the various funds to which such balances belong, and receipts for all monies paid out by him, which were collected on city taxes, and shall exhibit the same to the Mayor, or any committee of the Council, whose duty it may be to examine into and report upon the finances of the city, or to make any settlement with him. He shall deliver to his successor in office, all books and papers which may have come into his hands, as City Collector, and shall pay to the Treasurer all money then in his hands, belonging to the city.

SEC. 18. The City Collector shall receive two per cent. on all taxes collected by him, which shall be full compensation for all his services.

TREASURER.

SEC. 19. It shall be the duty of the Treasurer to receive and pay out, according to the requirements of the Council, money realized by the city from its various sources of revenue. He shall, at the last regular meeting of the outgoing Council, in March of each year, make out and present a regular annual report of all monies, or other property of the city, which came into his hands during the year then ending. In this report he shall state the different sources from which the money was derived, and the amount derived from each source. He shall also, in such report, state the amounts paid out, and on what account.

SEC. 20. He shall keep, in a suitable book or books, to be furnished by the city, a full and accurate account of all monies, funds or other property, received and disbursed by him for the city, specifying when, to whom, and on what account. He shall keep the account of each source of revenue to the city, separate and distinct from any other, crediting it with all funds received, and charging it with all payments made on account thereof.

SEC. 21. He shall pay orders, or warrants, drawn against a particular fund, only out of the money belonging to such fund. If, at the time such orders or warrants are presented to him for payment, there is not in his hands, money belonging to the fund, against which such warrants or orders are drawn, he shall endorse on such warrants, or orders, the words : " Presented for payment," (noting the date) and shall sign the same in his official capacity. Such warrants or orders, shall thereupon bear interest at the rate of six per cent. per annum from the time they were so presented. He shall make an entry of the number, date and amount, of all

such orders, to whom payable, and on what fund, and the date of their presentment, and shall make report of the same to the Council, in his monthly reports.

SEC. 22. He shall deliver to his successor in office, all books, papers, monies, and every thing pertaining to his office.

SEC. 23. The salary of the City Treasurer shall be four hundred dollars per annum.

STREET COMMISSIONER.

SEC. 24. It shall be the duty of the Street Commissioner to see that the streets and alleys, and other public highways of the city, are kept in good and proper repair, and to superintend such repairs. When improvements are ordered to be made on any street, or other public highway, by the Council, such improvement shall be made under his supervision, and pursuant to such order. In repairs, involving more than ordinary expenditure, he shall, in making such repairs, confer with, and act under, the direction of the Committee on Streets and Alleys. No improvement shall be made on any street, alley, or other public road, except by order of the Council.

SEC. 25. The Street Commissioner shall have power to employ such labor as may be needed for work on the public highways of the city, at such rates as the Council may fix by order or resolution.

SEC. 26. The Street Commissioner shall, at each and every regular meeting of the Council, make a full report of his doings, which report shall show:—

1st. The name of each person employed by him.

2d. The time which each person performed labor, and the kind of labor.

3d. The amount due to each person for such labor.

4th. Upon what street or alley, or other highway, such labor was performed.

The Council shall thereupon, if satisfied of the correctness of such report, order that the persons who have done such labor, be paid for the same out of the road fund, and their receipts taken therefor.

SEC. 27. It shall be the duty of the Mayor at the first regular meeting of the Council, in April, of each year, to prepare and present to the Council, for its consideration, an estimate of the amount that will probably be needed for road purposes, for the year commencing on the first day of March, previous. Such estimate may be enlarged, diminished or accepted without change, by the Council. The estimate, concurred in by the Council, shall be furnished to the Street Com-

missioner, and shall serve as a limit to him for work done on the streets. In no event shall work be done, by his direction, beyond the amount of such estimate.

SEC. 28. The Street Commissioner shall receive an annual salary of six hundred dollars, and shall perform such other duties as may be required of him by ordinance, or any order or resolution of the Council.

SEC. 29. The duties of all other officers of the city, not mentioned herein, shall be such as are severally defined in the Charter, laws of the State, or ordinances of the city, creating and regulating the functions of their respective offices.

SEC. 30. Any officer of the city, who may have the care, custody or control of any funds, or evidence of debt, belonging to the city, who shall use the same for his own purposes, or speculate therein, in any manner, shall upon conviction thereof, be subject to a fine of not more than one hundred dollars for each and every offence.

CHAPTER XXXVII.

POLICE JUDGE.

AN ORDINANCE relating to Police Judge.

1. Daily sessions.
2. To keep a docket. What entries to be made. Writs to be issued.
3. Criminal actions, how commenced. When in the presence of the court. When by information.
4. Warrants to issue, when.
5. Warrants, how served.
6. Proceedings in court, how conducted. No change of venue.
7. Prisoners may be admitted to bail. By whom and how.
8. Bond to be filed, and may be forfeited.
9. Parties failing to give bond, may be confined, how long.
10. Witnesses, how produced.
11. Witnesses liable for contempt, for failing to appear.
12. Refusal to testify. Result of.
13. Trial by jury. Form of verdict.
14. To imprison for non-payment. When and how long.
15. Report to Council, when, and how made.
16. Fees of witnesses and jurors.
17. Fees of Police Judge, when paid by the city.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there shall be a daily session, (Sundays excepted) of the Police Judge's Court, commencing at such an hour as the court may designate.

SEC. 2. The Court shall keep a docket, in which shall be entered, in continous order, a brief synopsis of the proceedings in each cause, including the names of the parties, the nature of the complaint, the issue of the process, the return thereof, and when the same shall have been issued, the ap-

pearance of the respective parties ; every adjournment, stating at whose instance, and for what time ; the trial, whether by the Police Judge or a jury ; the verdict and judgment ; the issuing of execution or mittimus, when done ; the taking and allowance of appeals (if any), and note all motions made, and whether sustained or overruled.

SEC. 3. Penal actions, for the violation of any ordinances or laws of the city, may be commenced by either of the following methods :

1st. Whenever the matter complained of was committed within the knowledge or view of the Police Judge, he may direct any peace officer, to arrest and bring such person before him forthwith, without a warrant.

2d. By information, which shall be subscribed and sworn to, by the person making the same, and which shall contain the name of the party, if the defendant be known, and if not, then such name as may be given by the party complaining. Also a statement of the facts constituting the offence ; the time and place of the commission of the same, as near as may be.

SEC. 4. Upon the filing of the information, the Police Judge, may at his direction, issue a warrant, directed to the Marshal, who upon receiving such warrant, must serve the same, by taking the defendant into custody, and bringing him before the Police Judge.

SEC. 5. The officer serving a warrant, shall make due return on the back of the same ; and if any officer shall have arrested a party without a warrant, he shall file in the office of the Police Judge, an information against the person arrested, as required by section 3, of this ordinance.

SEC. 6. The proceedings in the Police Judge's Court, shall be conducted in the same manner, as is or may be prescribed by the laws of the State of Iowa, in reference to trials and examinations in criminal cases, before Justices of the Peace and Magistrates, and parties to suits therein, shall be entitled to the same rights (except as herein otherwise provided), remedies and appeals that are, or may be prescribed by the laws of the State of Iowa, in criminal cases before Justices of the Peace. *Provided*, nothing in the section shall be construed to allow any party a change of *venue*, in cases of a violation of the ordinances of the city.

SEC. 7. Any person in the custody of the City Marshal, or any police officer, for a violation of any city ordinance, may be admitted to bail, by giving bond to the city, with security to be approved by the Mayor, or Police Judge, or Marshal, in such amount as they may specify, conditioned that he will ap-

pear on a day, in the bond named, before the Police Judge and answer the accusation for which he has been arrested, and not depart the court without leave.

SEC. 8. Said bond shall be filed in the office of the Police Judge, and if the defendant shall fail to appear, according to the conditions of the bond, the Police Judge shall enter a default thereon, and the city shall order suit to be brought in the usual mode.

SEC. 9. A party in custody, who cannot be tried because of the absence of witnesses, or other sufficient cause, may, at the discretion of the Police Judge, be required to enter into a recognizance for his appearance at the trial, as provided in the seventh section of this ordinance, and on failure so to do, may be confined in jail till such trial. *Provided*, however, that if the continuance was had at the instance of the city, he shall not be confined (except when Sundays intervene) over forty-eight hours.

SEC. 10. The Police Judge shall issue subpœnas for all witnesses desired by either party, which may be served by any police officer, or any other person appointed by the Police Judge, for that purpose, by reading the same to the persons named therein, and the officer or other person so appointed, shall endorse thereon the manner of executing the same.

SEC. 11. Any wittness, duly summoned, failing to appear, may be compelled by attachment to attend and shall, moreover, be fined in a sum not exceeding ten dollars, for a contempt of the Court, with the costs of the attachment

SEC. 12. A witness appearing, who shall refuse to be sworn, or shall refuse to answer any question deemed proper by the Court, not inconsistent with, or exempted by the State laws, and all persons who shall conduct themselves contemptously toward the court, or shall by noise or otherwise, hinder, or disturb the proceedings of the court, may be fined in any sum not exceeding fifty dollars.

SEC. 13. That whenever a case is tried by a jury, their verdict in all cases, for a violation of ordinances, shall be in the following form: We, the jury, find the defendant (guilty or not guilty, as the case may be) of the offence charged.

SEC. 14. Whenever any person, charged with a violation of any of the ordinances of the city, pleads guilty, or on trial, either by the Police Judge, or a jury, is found guilty, the Police Judge shall render a judgment, that the defendant be fined, (according to the nature of the offence charged) and the penalty prescribed by the ordinance, for a violation of which the defendant has been convicted, in a sum not exceeding one hundred dollars, and that the defendant be committed to the

city jail, till said fine and costs are paid (provided such penalty is a fine), and if the fine and costs are not paid at the time of the rendition of the judgment, or an appeal taken, then it shall be the duty of the Police Judge, to issue a mittimus, commiting such defendant to the city jail, till said fine and costs are paid. *Provided*, such imprisonment shall not exceed thirty days.

SEC. 15. That it shall be the duty of the Police Judge, to furnish the City Council, at its first meeting, in the months of January, April, July and October, with a full report of the number of criminal cases, under the ordinances of the city. Also, the amount of fines imposed, and those collected under the city ordinances. Also, the number of cases, in which judgment was rendered against the city, during the preceding quarter, and to pay over to the Treasurer monthly, all money collected as fines and forfeits.

SEC. 16. Witnesses and jurors, in the Police Judge's Court, shall be entitled to the same fees, as are, or may be allowed, under the State laws, for attendance and services, before Justices of the Peace.

SEC. 17. The Police Judge shall receive fees as costs, such as are now or hereafter shall be provided for by law for justices of the peace, for similar service; but in all the proceedings to enforce the ordinances of the City of Muscatine, where the information is made by a city officer, under the ordinances, and the costs can not be made out of the defendant, the Police Judge shall be paid by the City of Muscatine, the same fees as are paid to Justices of the Peace, by the county in criminal cases.

CHAPTER XXXVIII.

POLICE.

AN ORDINANCE in relation to the Police of the city.

1. Of what the police force of the city shall consist. Temporary police, when they may be appointed.
2. Jurisdiction of police.
3. Must take an official oath.
4. Duties of Marshal.
5. May arrest without warrant, when. Duties respecting vagrants, and suspicious characters. May enter house or enclosure, when.
6. When police may call inhabitant of city to aid him. Penalty for refusing.
7. May arrest any person when there are reasonable grounds to believe he has committed a public offence, and hold him until information is filed, and warrant issued.
8. Compensation.
9. Must not serve civil process, or do other business that will interfere with police duties.
10. Misconduct of police. Penalty for.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the police force of said city, shall consist

of the Marshal, (who shall be elected by, and hold his office at the will of the Council), and one assistant, who shall be appointed by the Marshal, subject to the approval of the Council. The Mayor may direct the appointment of such temporary policemen, as may from time to time be needed for special occasions. He shall designate the number, and fix the limit of service of such temporary policemen, to the Marshal, who shall thereupon appoint proper and suitable persons, to act as such temporary police. The Marshal shall furnish to the Mayor, the names of persons so appointed, and the number of days they have served. The Mayor shall report the same to the Council, at its next meeting, and his reasons for directing the employment of such special police.

SEC. 2. The jurisdiction of the police shall be commensurate with the city limits.

SEC. 3. All members of the police force, special as well as regular, shall take an oath to faithfully perform the duties of their office.

SEC. 4. It shall be the duty of the Marshal to cause the public peace to be preserved, and to see that all laws and ordinances are enforced, and whenever any violation thereof shall come to his knowledge, or be reported to him, he shall cause the requisite complaint to be made, and see that all attainable evidence is procured for the prosecution of the offender or offenders. He and his subordinates shall, (in subordination to the Mayor), in case of actual or threatened riot, tumult or insurrection, personally superintend the police, and direct their movements and operations, in the discharge of their duties.

SEC. 5. The police shall arrest (even without warrant) any persons found in the act of violating any law or ordinance, or in any manner disturbing the peace and good order of the inhabitants; they shall arrest any persons found drunk in any of the highways or commons of the city. They shall keep a close watch on all suspicious characters, and may order all vagrants to leave the city, under penalty of arrest. They shall have authority to enter any house, enclosure, or other place, where any crime or breach of the peace, or breach of any law or ordinance, has been, or is about to be committed, and arrest the offenders.

SEC. 6. Whenever it may be necessary to quell any riotous or disorderly conduct, or to secure the arrest of any person or persons, accused of any crimes or the violation of any law or ordinance, the members of the police force are hereby severally authorized to call upon any male inhabitant of the city, and demand his aid and assistance in the discharge of

his duty. Any male inhabitant so called upon, who shall neglect, or refuse to give such aid or assistance, shall upon conviction thereof, be fined not less than one dollar, nor more than twenty dollars.

SEC. 7. Each member of the police department, shall have power to arrest any person, whom the officer has reasonable cause for believing has committed a public offence, and who is likely to escape before complaint can be filed, and a warrant of arrest can be issued, and take any person so arrested, to the office of the Police Judge, if in the day time, for trial; and if such arrest is make in the night time, the officer shall commit such person to jail until the next morning, and he shall then be taken to the Police Judge for trial.

SEC. 8. The Police force, including special police, shall receive such compensation for their services, as the Council may see proper to allow. In addition thereto, the members of the police force shall be entitled to fees for serving papers, process, and for making arrests, which fees shall be the same as are allowed by law to constables, for services of a similar character; but in no case is any charge to be made against the city for such services.

SEC. 9. The members of the police force shall be vigilant and watchful, in properly guarding and protecting persons and property within the city, and no member of the police force sall serve any civil process, or do any other business, that will interfere with his duties as policeman.

SEC. 10. Any police officer who shall neglect, or refuse to perform any duty required of him, by the ordinances of the city, or who shall, in the discharge of his official duties, be guilty of any frauds, extortion, oppression, favoritism, partiality, bribery, or wilful wrong or injustice, shall upon conviction thereof, pay a fine not exceeding one hundred dollars, and costs of prosecution, or, on failure to pay such fine, may be imprisoned in jail, not exceeding thirty days.

CHAPTER XXXIX.

BORROWING MONEY FOR RAILROAD AND OTHER PURPOSES.

AN ORDINANCE providing for an election to rescind votes heretofore given, and to borrow money on the credit of the City.*

1. Election ordered.
2. Propositions to be voted on.
3. Form of ballots. Council to issue bonds, if a majority vote for rescission and loan.
4. How election to be conducted.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there shall be held on the 13th day of August, 1855, an election by the qualified voters of the City of Muscatine, by wards—the polls to be opened at nine o'clock, A. M., and to close at four o'clock P. M., of said day, said election to be held at the usual places of holding elections in the several wards.

SEC. 2. Said election shall be upon the following propositions:

1st. To rescind a vote given by the voters of the city on the third Monday of May, 1851, authorizing the City Council to borrow the sum of $45,000, to be subscribed as stock, in the name of the city, to the capital stock of the Iowa Western Railroad Company, and also to rescind a vote given by the city, on the first Monday in March, A. D. 1854, authorizing the City Council to borrow the sum of $55,000, to be subscribed as stock on the stock books of the Muscatine, Iowa City, Cedar Rapids and North Western Railroad Company.

2d. To borrow for a term of years, not exceeding twenty, on the bonds of the city, at a rate of interest not higher than ten per cent. per annum, the sum of one hundred and thirty thousand dollars, to be subscribed as stock, in the name of the city, to the capital stock of the Mississippi and Missouri Railroad Company.

SEC. 3. The votes shall be given by ballots, written or printed, with the words, "For the Rescission and Loan," or "Against the Rescission and Loan," and if the requisite number of votes are for the recission and loan, the City Council shall cause the bonds to be issued for the purposes herein contemplated.

SEC. 4. The said election shall be conducted in the same manner as ordinary elections for city officers, and the judges

*First ordinance passed May 1st, 1851, providing for submitting to the electors of the city, a proposition to subscribe $45,000 as stock, in the Iowa Western Railroad Company, and also to borrow $5,000, to be expended in improving the streets, alleys and wharfs of the city. Second ordinance passed February 7th, 1854, providing for submiting to the electors of the city, a proposition to subscribe $55,000 in stock in the Muscatine, Iowa City, Cedar Rapids and Northwestern Railroad Company, or to any Company that shall build a road direct from Muscatine to Iowa City.

thereof are required to make proper return of the poll books, and official abstracts of the said election, to the Mayor within two days thereafter, and the City Council, or a quorum thereof, may open and canvass said returns, and declare the result.

CHAPTER XL.

RAILROADS—RIGHT OF WAY FOR THE MISSISSIPPI AND MISSOURI RAILROAD COMPANY.*

AN ORDINANCE relating to the Mississippi and Missouri Railroad Company.

1. Right of way granted over Water street.
2. The use of certain grounds granted for certain specified purposes.
3. Company to use said ground for railroad purposes only, and to have one hundred feet of Water street, from tracks, etc.
4. Company to obtain certain dedications on Water street.
5. Company to keep the grounds, so that access to and from the river, shall be reasonably free from obstructions, and to make and keep in repair all necessary drives.
6. Must not run faster than six miles an hour, and must keep bell ringing.
7. Reservation by the City, in favor of the Railroad Companies.
8. Must lay plank at crossings.
9. Must give its assent in writing.
10. May run their track north-easterly through the city.
11. May run their tracks north and east of Orange street, toward Cedar Rapids.
12. To lay planks on street crossings.
13. Reservation of rights in favor of the railroads.

Be it ordained by the City Council of the City of Muscatine:

WHEREAS, It is for the interest of the City of Muscatine, that the depot, station buildings, machine shops and tracks of the Mississippi and Missouri Railroad, be located as hereafter provided, and

WHEREAS, The said Rail Road Company, has been requested to make such location, and has signified its desire to conform to such request, upon receiving proper authority for that purpose: Now, therefore,

SECTION 1. That the Mississippi and Missouri Railroad Company, for the consideration of its compliance with the request herein before recited, and of the conditions herein contained on the part of said Company, to be performed, are hereby authorized and empowered, and the power and authority are irrevocably granted to said Company, to lay down and forever maintain its said road, with single or double track, as may be convenient and necessary, for the transaction of its business in, through, and upon the public ground, in front of said city, known as Water street, and forever thereafter to use the same for the passage of cars and trains

*This ordinance is a consolidation of two ordinances; the first giving a right of way over Water street, the other for a promised road to Cedar Rapids.

of cars propelled by such power as the said Company may deem expedient.

SEC. 2. There is hereby irrevocably granted to said Company, the use of the following piece and parcel of said public ground or street, viz.: All that portion of the public ground or street aforesaid, (with the limitation hereafter expressed) lying southwardly or in front of a line drawn from the eastwardly bound of block nine, and extending sixteen hundred feet in a straight line toward the western boundary of the city, and to the water on the south and west, and also water front on said river, within the same limits, so far as the city is authorized to grant the same. Which shall be for the purpose of erecting, and forever thereafter maintaining thereon, depots, station buildings, warehouses, machine shops, side tracks, turn outs, switches, turn tables, and such other buildings and fixtures as may be requisite for the proper accommodation of the business of said Company, with full power to grade, level, embank, and fill up the same in such manner as said Company may see fit and proper.

SEC. 3. The above authority is granted upon the express condition that the said Company use the same, and appropriate the said ground exclusively for railroad purposes, and shall leave a portion of Water street, measuring one hundred feet from the blocks on the same toward the water, the whole length of said street, free from the obstructions of tracks, buildings, and other structures whatever.

SEC. 4. If the said Company shall procure a dedication to the public forever, for the purposes of a highway, and as a part of Water street, of a portion of blocks numbers four, five, six, seven and eight, which lies front or southwardly of a line formed by a direct extension of the front lines of block three and nine, across the said blocks four, five, six, seven and eight, and shall grade the same to the grade of Water street (or as the city authorities may direct) then said Water street shall extend in width to the said line, and said Company shall have authority to appropriate to its own purposes, the dirt, rock and other material excavated, and to erect its structure in said street, as before provided, so that they be not within one hundred feet of said line above described.

SEC. 5. For the privilege above granted, said Company shall, at its own expense, grade so much of said public ground or street occupied by said tracks, and also between said tracks and the river, in such manner that the access to and from the river shall be reasonably free from obstructions, and shall forever thereafter keep and maintain the land so occupied, graded, as aforesaid, and shall upon reasonable notice from the

city authorities, make and keep in repair all such necessary drains and sewers, as may be required in any portion of the public grounds above authorized to be used, so that a proper drainage shall be given to Water street, and the cross streets running into the same.

SEC. 6. Said Company shall not be allowed to run its trains through said city, at a greater rate of speed than six miles per hour, and shall cause the locomotive bell to be kept ringing on such train during its entire passage through the streets.

SEC. 7. The said city reserves to itself the right to grant any other railroad company, such privileges as the city may see proper, in relation to passing through and over the same street, and the power to cross the track of the above Company, provided they do not cross such track, nor run within it on the above granted parcel of sixteen hundred feet in length, and the above grants and privileges shall be subject to revocation by said city, if the said Company does not proceed to construct its said railroad, and does not have twenty-five miles of it in operation in two years from the first day of December, A. D. 1853. And further, nothing herein contained shall be so construed as to impair the rights and ordinances of the city in relation to wharfage, or in relation to the public landing.

SEC. 8. The said Company shall also lay plank between and at the sides of their tracks, at all crossings of streets, so as to make the passage of the tracks as easy as practicable.

SEC. 9. The said Company is hereby required to assent to the provisions of the said ordinance, by its proper officer or officers, and such assent shall be in writing and recorded with the Recorder of the city.

SEC. 10. That there is hereby granted to the Mississippi and Missouri Railroad Company, the right to run their road north-eastwardly out of the city, over and across Water street, at any point they may choose to locate the same, provided that the points at which the said road shall cross the said Water street, shall not be west of Orange street.

SEC. 11. That there is hereby granted to said Railroad Company, the right to locate their railroad, either with single or double track, over and across any or all of the streets and alleys, east and north of Orange street, which it may be necessary or convenient to cross, in running their railroad out of the City of Muscatine, and toward Cedar Rapids.

SEC. 12. The said Company shall be compelled to lay plank between and on the sides of their tracks, at the crossing of Water street, and at the crossing of all other streets and alleys,

as provided in the ordinance passed December 6th, 1853, entitled an ordinance relating to the Mississippi and Missouri Railroad.

SEC. 13. Nothing in this ordinance contained shall be construed to restrict the right of the city, to grant any other railroad company the right of locating other railroads, over and across the same streets and alleys, and the right of crossing the track of the said railroad company.

CHAPTER XLI.

RAILROADS.

AN ORDINANCE making a grant to the Muscatine Western Railroad Company, and imposing certain conditions, penalties and duties.

1. Muscatine Western Railroad Company authorized to lay its track on certain streets in the city.

2. Can cross the track of the C., R. I. & P. R. R. Co. Not to cross or lay track south of, or between certain points.

3. Certain public grounds granted for the purpose of having erected thereon, proper railroad buildings, side tracks, etc. Stock yards, cattle yards, or hog pens, not to be erected thereon. Rights reserved for steamboats and public streets.

4. Conditions on which said grant is made. Damages for breach of, or failure to perform conditions.

5. Must build and keep in proper repair, all drains and sewers, if the territory granted is accepted and appropriated. Must make and keep in repair all drains and sewers, made necessary by track of railroad.

6. Trains must not remain on public crossing; must not run faster than six miles an hour, in the city. Unnecessary whistling not allowed. Bell to be rung.

7. Grant to lay track in streets not to prevent the city from making similar grants to other railroad companies. Proviso.

8. Rights and privileges granted, expressly subject to existing and future State legislation.

9. Railroad Company to signify its acceptance of grant and conditions. Form of acceptance. To be entered on record of city.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That for the purpose of enabling the Muscatine Western Railroad Company, its successors or assigns, to lay and maintain such track or tracks and switches, as may be proper and necessary, for the proper operation of said railroad, there is hereby granted to said Railroad Company, the right and privilege of laying and maintaining on and along Front or Water street, in said city, one main track. Also, to extend such main track, or any of its switches, or branch tracks, over and across any of the public streets or alleys of that portion of said city, known as South Muscatine. Also, to lay and maintain a single or double track, with proper side tracks and switches, on, across, or along any of the public streets or alleys of said city, east of the west line of Orange street, which the said Railroad Company may have occasion

to use or cross, in constructing its road, in a direction northerly from said Front or Water street, to the boundaries of said city. *Provided*, however, that there shall not be more than one track laid by said Muscatine Western Railroad Company, on said Front or Water street, between Iowa avenue and Elm street, and *provided* further, there shall not be laid on Second or Third streets, west of Spring street, any track lengthwise of said streets.

SEC. 2. The said Railroad Company shall have the right, and the same is hereby granted unto it, of crossing the track of the Chicago, Rock Island and Pacific Railroad Company, with its main track or switches, at such point or points as it may deem advisable and proper, except that the said Muscatine Western Railroad Company, shall lay no track across or south of the Chicago, Rock Island and Pacific Railroad Company, between the eastern boundary of block nine, (9) and the western boundary of block five, (5) in said city, and any track that may be laid under the authority herein granted, between the eastern boundary of said block nine, and the western boundary of said block five, shall be north of the track of said Chicago, Rock Island and Pacific Railroad Company, and whenever the said track, or any of its side tracks or switches, are laid parallel with the track of the said Chicago, Rock Island and Pacific Railroad Company, or any of the streets of said city, the same shall be laid as near as practicable to the track of said last mentioned Company, and to the end that no more of such streets shall be occupied by said track, than is absolutely necessary for the business of said roads.

SEC. 3. There is hereby granted unto the said Muscatine Western Railroad Company, the public grounds, lying south of the track of the Chicago, Rock Island and Pacific Railroad Company, and extending into the Mississippi river, and being bounded on the west by a line in a southeasterly direction, extended from the east boundary of Iowa avenue, and until such line strikes the outer edge of what is known as the "Rip Rap Wall," thence in a northeasterly direction, parallel with the northern boundary of said Water street, thirteen hundred and eighty feet, thence northwesterly in a line with the west boundary of Mulberry street, to the southerly line of the track of the Chicago, Rock Island and Pacific Railroad Company; thence along the said southerly line, and parallel with the center of said track, in a southwesterly direction, until the same strikes and intersects the line drawn from the east line of said Iowa avenue. The said grant being made to the said Muscatine Western Railroad Company, its successors and assigns, for the purpose of erecting and forever maintaining thereon, offices, depots, station buildings, warehouses, eleva-

tors, side tracks, turn tables, and such other buildings and fixtures as may be requisite for the proper accommodation of the business of said Company, (except that no stock yards, cattle or hog pens, shall be permitted thereon), with full power to grade, level and embank, and fill up the same, in such manner and at such times as the Company may see fit and proper. *Provided*, however, that nothing in this section contained, shall interfere with the right of steamboats to land, for the purpose of receiving or discharging freight and passengers, on the water front of the land herein granted, nor deprive the said city of its right to collect wharfage from the boats so landing ; and *provided* further, that the said city shall have the right to extend, keep and maintain, for the use of the general public, the streets known as Sycamore, Cedar and Walnut, over and across the grant herein made, and in addition thereto, a space of not less than one hundred feet, on and along the water front of said grant, to be measured from ordinary low water mark, is herein declared to be a public street forever, subject, however, to the right of said Company, to erect and keep an elevator and freight house, not, however, to have a length, on said water front, of more than three hundred feet. By "water front," in this ordinance, is meant the southerly line of the grant herein made.

SEC. 4. The foregoing grant is made on the express condition that the said Muscatine Western Railroad Company, its successors and assigns, shall establish, locate, and forever maintain, at the said City of Muscatine, all of the principal machine shops and factories, necessary and proper for the construction, maintenance and repair, of the tracks and rolling stock of said Company, its successors and assigns. And also the said Company, its successors and assigns, shall locate, establish, and forever maintain, at the said City of Muscatine, the chief and principal offices of said Company, and forever maintain its principal places of business at Muscatine, and it is expressly provided and understood, and a further condition of this grant, that should the said Railroad Company seek to avail themselves of this grant, and undertake to appropriate the same to its use, and erect at, or remove its chief and principal machine shops, repair shops and factories, as herein contemplated, to any other place, or erect at or remove its chief and principal offices of business to any other place, then and in either event, the said Railroad Company shall pay to said city the sum of one million dollars, without diminution or abatement, as liquidated damages for the breach of the conditions herein named—said sum to be recoverable in any court of record in this State, and to be mutually regarded as the measure of pecuniary damages, to which said city shall be

entitled for a breach of the conditions in this section specified. It is further expressly provided, that in addition to the sum herein mentioned, as pecuniary damages for any breach or breaches aforesaid, the grant in said section 3 mentioned, shall revert to said city, and all the rights and privileges therein specified, shall cease, determine and become of no effect whatever, and the said city shall have the right to resume the possession and exclusive occupancy of the grounds in said grant described, and for that purpose may forcibly eject any officer, agent or employee of said Company, its successors or assigns, resisting or refusing to yield the possession thereof to said city.

SEC. 5. And it is further stipulated, provided and required, that the said Railroad Company, its successors or assigns, shall build, construct, and forever keep in good repair and condition, all sewers and drains rendered necessary and proper, by its acceptance and appropriation of the grant in the preceding section 3, mentioned, and also all other sewers and drains rendered necessary and proper by the location and building of its road along and across any of the public streets and alleys of said city, and all points where the track or tracks of said Company, shall cross the public streets and alleys of said city. The said Railroad Company, its successors and assigns, shall make and keep in good condition and repair, safe approaches to said railroad and the tracks thereof, and the space between the rails of said tracks, shall be safely and properly planked.

SEC. 6. The said Railroad Company, its successors or assigns, shall not obstruct public travel on said streets and alleys, by permitting trains, cars or locomotives, to stand and remain upon said railroad track, where the same intersects said streets or alleys; nor shall any train of cars or locomotive be run upon said track within the limits of said city, at a higher rate of speed than six miles per hour; nor shall there be any unnecessary whistling made by the engines of said Railroad Company, while within said city, and on all trains and engines the bell shall be kept ringing while running within the limits of said city.

SEC. 7. Nothing in this ordinance shall be construed to prevent the said city from granting unto other railroad companies, the right and privilege of laying their tracks upon the same streets and alleys, and of crossing the tracks of the said Muscatine Western Railroad Company. *Provided*, that no railroad company shall have the right to lay any tracks on the ground herein mentioned by section 3, of this ordinance, granted to said Muscatine Western Railroad Company, without the express consent of said Company.

SEC. 8. Nothing in this ordinance contained, shall be so construed, as to in any manner release or exonerate the said Muscatine Western Railroad Company, its successors or assigns, from any duty or obligation, which has been or may hereafter be imposed by the laws of the State of Iowa, and the rights and privileges herein granted, are made expressly subject to any existing or future legislation of said State.

SEC. 9. The said Muscatine Western Railroad Company, is hereby required to signify its acceptance of the grants contained in this ordinance, subject to the conditions and restrictions herein contained, by an instrument of writing, under the seal of said Company, signed by the President and attested by the Secretary thereof, which instrument must be filed in the office of the Mayor of the city, and entered at large upon the records of the City Council, and no rights shall accrue to the said Muscatine Western Railroad Company, under and by virtue of the provisions of this ordinance, until such acceptance is filed as aforesaid.

CHAPTER XLII.

RAILROADS.

AN ORDINANCE making a Grant to the Mississippi and Muscatine Western Railroad Company.

1. Right of way granted. Line of grant. Conditions and restrictions.
2. Duties of Railroad Company in regard to sewers, drains, crossings and approaches, must not obstruct streets. Must provide signs and flagmen at crossings, when required by City Council.
3. Must not run faster than six miles an hour, and bell must be kept ringing when within the city. Subject to future regulations of Council.
4. Rights granted herein to be subject to future grants to other companies.
5. Rights granted subject to existing and future State legislation.
6. Expectation and understanding on which grant is made.
7. Railroad Company to signify its acceptance of grants. Form of acceptance.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That for the purpose of enabling the Mississippi and Muscatine Western Railroad Company, its successors or assigns, to construct and operate its railroad along the river front of the City of Muscatine, there is hereby granted to the said Railroad Company, the privilege of laying and maintaining a single track on and along Front or Water street, in said city, and the river front thereof, as follows: Commencing on the right bank of the Mississippi river, at or about the elevation of high water mark, opposite the southerly corner of out lot nine, (9) in section thirty-six,

(36) township seventy-seven, (77) range two (2) west (said out lot being marked and designated on Bailey's map of said city, thus: "H. Smalley, lot 9,") and at least ninety feet southerly or riverward from said corner, and thence down the right bank of said river, on a line, which in front of the southeasterly corner of block twenty, (20) in said city, shall be at least eighty feet distant therefrom, and thence as closely as possible to and on the south or river side of the present track of the Chicago, Rock Island and Pacific Railroad Company, to the westerly line of Chestnut street, extended to the river, and thence continuing on the south or river side of the Chicago, Rock Island and Pacific Railroad track, to the westerly end of said Front street, and thence to and through South Muscatine, by, over, along, or across any streets, alleys or public grounds of the city, necessary to the proper construction of said railroad, to and through South Muscatine. *Provided* always, that the grant hereby made, shall be subject to all rights acquired under previous grants from the City of Muscatine to other railroad companies, and *provided*, further, that the said Mississippi and Muscatine Western Railroad Company, its successors or assigns, shall forever keep and save the city, free, clear, and harmless of, and from all loss, cost, expense, and damage, by reason of the grant hereby made, and the acceptance and appropriation thereof, or any part thereof, by the said Railroad Company, its successors or assigns.

SEC. 2. And it is hereby stipulated, provided and required, that the said Mississippi and Muscatine Western Railroad Company, its successors or assigns, shall build, construct, and forever keep in good repair and condition, all sewers and drains, made necessary by its acceptance and appropriation of the grant hereby made, and the location and construction of its road and track pursuant thereto; and shall build, construct and forever keep in good repair, good, sufficient and proper crossings and approaches to the same at all points, where its road or track shall cross the streets or alleys aforesaid; and shall forever keep and maintain such streets, alleys, or other public grounds in good repair and condition, wherever its said road or track shall run along and upon the same; and its said road or track shall conform as nearly as practicable to the grade of the tracks of the Chicago, Rock Island and Pacific Railroad, and the Muscatine Western Railroad, and shall be so constructed, laid, maintained and operated, as to cause the least practicable interference with access to the steamboat and ferry landings of said city. And the said Railroad Company, except in case of accident or unavoidable ne-

cessity, shall not leave its cars or trains standing upon its said track, in such manner as to obstruct the public travel on the streets of said city, and at all street crossings, the said Company shall erect and maintain signs, upon which shall be printed in large letters: "Railroad Crossing," and shall provide flagmen at such points or localities, as shall be deemed necessary by the City Council of said city, whenever requested so to do by resolution of said City Council.

SEC. 3. And it is further stipulated, provided and required, that the said Railroad Company, its successors or assigns, shall not run any train of cars or locomotive upon its said track within the limits of said city, at a higher rate of speed than six (6) miles per hour, and upon all trains and engines the bell shall be kept ringing while running within said city limits; and the said Company shall be subject to such further regulations and restrictions, as to the time, speed and management of its locomotives and cars, within said city, as may be required and imposed by ordinance or resolution of the City Council of said city, at any time hereafter.

SEC. 4. Nothing in this ordinance shall be construed to prevent the said city from granting unto other railroad companies, the right and privilege of laying their tracks upon the same streets and alleys, covered by the grant hereby made, and of crossing the track of the said railroad. And in case of the grant to any other company, which shall hereafter build a railroad to this city, of the right to lay a track along the aforesaid river front of the said city, then such other railroad company shall have the right to use the track of said Mississippi and Muscatine Western Railroad Company, through the said city, for the passage of its cars and trains, upon adequate compensation being made therefor, and upon reasonable terms; such compensation and terms to be agreed upon by said companies; and in case of disagreement then the matters in difference, to be determined by three arbitrators, one to be chosen by each of said companies, and the third by the City Council of said city.

SEC. 5. Nothing in this ordinance contained, shall be so construed, as to in any manner release or exonerate the said Railroad Company, its successors or assigns, from any duty or obligation, which has been, or may hereafter be imposed upon railroads or railroad companies, by the laws of the State of Iowa, and the rights and privileges herein granted, are made expressly subject to any existing or future legislation of said State.

SEC. 6. The rights and privileges hereby conferred upon said Railroad Company, are granted upon the expectation and

understanding that the said Railroad Company, its successors or assigns, will faithfully observe and fulfill all the conditions in this ordinance stipulated and set forth; and will at all times, and in good faith, to the extent of its power, afford adequate facilities for the prompt transaction of business, and deal and act justly toward the said city and the citizens thereof.

SEC. 7. The said Mississippi and Muscatine Western Railroad Company, is required to signify its acceptance of the grants contained in this ordinance, subject to all the aforesaid conditions and restrictions, by an instrument of writing, under the seal of said Company, signed by the president, and attested by the secretary thereof, which instrument must be filed in the office of the Mayor of said city, and entered at large upon the records of the City Council, and no rights shall accrue to said Railroad Company, its successors or assigns, under and by virtue of this ordinance, until such acceptance is filed as aforesaid.

CHAPTER XLIII.

RAILROADS.

AN ORDINANCE providing for the redemption of the Muscatine City Railroad Bonds.

1. Renewal of bonds.
2. Payable in twenty-five years at six per cent. May issue in sums of.
3. Bonds, how entitled, and by whom signed.
4. Shall be issued to, whom.
5. Recorder shall keep a register of such bonds.
6. Special tax. Sinking fund.
7. Bonds shall not be re-issued. Disposal of.
8. Committee to superintend.
9. Power of attorney, may be executed by the Mayor, to confess judgments, when.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. In virtue, and by authority of an Act of the Legislature of Iowa, approved March 25th, 1872, and to enable the City of Muscatine, to redeem, cancel and renew the bonds of the City of Muscatine, heretofore issued to the Mississippi and Missouri Railroad Company, the Mayor and Council are hereby authorized and empowered to direct the issue of new bonds, of the City of Muscatine, to an amount not exceeding the full amount of the principal of said bonds, and the accrued and unpaid interest thereon.

SEC. 2. Said bonds shall be made payable in twenty-five years from date, and bear interest at the rate of six per cent. per annum, payable semi-annually, on the first day of April

and first day of October, of each year, in the City of New York, coupons for the interest to be attached thereto. They may issue in sums of one thousand dollars, five hundred dollars, and one hundred dollars. The bonds shall be numbered in consecutive order as issued, and the coupons attached to such bonds shall be numbered from one to fifty, and shall bear the number of the bond to which they are attached.

SEC. 3. Said new bonds shall be entitled: "Redemption and Renewal Bonds of the City of Muscatine," shall be signed by the Mayor, and countersigned by the Recorder, and shall bear the seal of the city.

SEC. 4. Whenever the amount owing any holder or holders of the bonds heretofore issued to the Mississippi and Missouri Railroad Company, including principal, coupons and interest, shall have been determined, the Mayor and Recorder shall issue to such holder or holders, the new bonds as herein provided, to the full amount of such bonds, coupons and interest, as may be unpaid. Monthly specific reports shall be made to the Council by the Mayor and Recorder, of the bonds so issued, giving the amount and numbers of the bonds and coupons, and interest, to redeem which the same are issued.

SEC. 5. The Recorder shall keep in a book prepared for the purpose, a register of said new bonds, giving the date, number, and numbers of the coupons of each bond, together with the number and amounts of the bonds and interest redeemed.

SEC. 6. The faith of the City of Muscatine, is hereby irrevocably pledged for the payment of said new bonds and interest, and the City Council is hereby pledged and required to levy annually a special tax sufficient to meet the interest on said bonds, as it becomes due, and also to provide a permanent sinking fund, of not less than one per cent. per annum, of the amount of said bonds, which said sinking fund shall be annually invested in the purchase of said bonds, when the same can be obtained at and below their par value; and the said bonds so purchased, shall be placed on deposit with the Treasurer of the City of Muscatine, as the property of the city, and the interest thereon shall be paid into, and constitute an additional part of the sinking fund, to be used in the purchase of the bonds as herein provided.

SEC. 7. It shall be the duty of the Recorder of said city to enter in a book, provided for that purpose, a record of all the bonds so purchased with said sinking fund, stating the amount and number of each of said bonds, with the price paid for the same, and the date of its purchase, and no bonds so purchased shall ever be re-issued or hypothecated by said city for any purpose whatever, and in order to prevent such re-issue,

or other unlawful use of said bonds, or of the coupons attached thereto, the City Council shall cause each bond so purchased, to be produced before it at its next meeting succeeding such purchase, and the following words shall then be legibly written with ink, or stamped across the face of such bond, and each of its coupons: "Cancelled and placed in sinking fund, this —— day of ————, 18—." This ordinance being designed to provide the means for the payment of the interest on all of said bonds, and as far as may be through said sinking fund for their ultimate extinction; nothing in this section contained shall warrant any abatement of the amount of tax hereinbefore provided for as a sinking fund, but the bonds purchased by the city shall, for the purposes of said sinking fund, be regarded as an existing indebtedness on the part of said city.

SEC. 8. The Mayor and Recorder are hereby appointed a committee, to superintend the preparation of the above mentioned new bonds, and are empowered to designate the place in New York City, where the interest on the same shall be paid.

SEC. 9. In settling with parties as provided in this ordinance, who may hold judgments against the City of Muscatine, the Mayor is hereby authorized to execute powers of attorney, confessing judgment in the Circuit Court of the United States, for the District of Iowa, against the City of Muscatine, whenever the interest due on the new bonds however authorized, shall be due and unpaid for the term of one year or more.

CHAPTER XLIV.

REGISTER OF BOATS.

AN ORDINANCE relating to the Register of Boats.

1. Register of boats to be appointed. When, and for how long.
2. To keep a register of all boats and other craft, landing, and report the same to Council at close of navigation.
3. To deliver papers to his successor. Compensation regulated by the Council.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That in the month of March annually, the Council shall appoint a Register of Boats, who shall hold his office for the term of one year, and until his successor is appointed, unless sooner removed by the Council.

SEC. 2. It is the duty of the Register to enter in a book kept for that purpose, the names (or description), of all boats, or other craft, landing at the public landing, which are sub-

ject to pay wharfage, stating whether on an upward or downward trip; and to render to the Council, at its first regular session after the close of navigation, a true statement of the number of arrivals of such boats, and other craft, with the time such vessels lay at the wharf over twenty-four hours.

SEC. 3. On the appointment of his successor, he shall deliver to him all books and papers belonging to his office. His compensation shall be regulated by the Council from time to time.

CHAPTER XLV.

SCALES.

AN ORDINANCE in relation to Scales on the Streets and Alleys, and other public grounds of the city.

1. Persons erecting or keeping scales on streets or other public grounds, to pay rent.
2. Scales within certain territory to pay annual rent of six dollars.
3. Outside of such territory to pay annual rent of four dollars.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person shall be permitted to erect or keep any scales for weighing hay, grain, or other bulky commodities, on any street, alley, wharf, or other public ground of the city, without having first obtained permission therefor from the City Council, and without the payment of a fixed sum for the rent of such street, alley or other public ground.

SEC. 2. Any scales placed, or to be placed on any street, alley, or other public ground, within the following limits: Within that portion of the city bounded on the west by Linn street, on the north by Third street, on the east by Orange street, and on the south by the Mississippi river, the owner thereof shall pay to the Treasurer of the city the sum of six dollars, who shall give duplicate receipts therefor, one of which shall be left with the Recorder. The boundaries above given shall include the streets named as the boundary lines.

SEC. 3. Upon such scales erected on any street, alley, or other public ground, outside of the territory designated in the preceding section, the owner shall pay an annual rental, not exceeding four dollars.

CHAPTER XLVI.

STREETS AND ALLEYS.

AN ORDINANCE in relation to Gutters.

1. Owners of property must provide proper gutters, when.
2. How such gutters shall be constructed, and of what material.
3. Council may order gutter to be constructed or relaid. How and by whom such order is to be served.
4. Council, on failure to obey its order, may have such gutter constructed or relaid at expense of owner, and assess the same as a special tax, or may bring a civil action to recover the same.
5. Marshal must notify persons whose gutters need repairing. Must notify Council if such repairs are not made. Council may order same done, at the cost of the owner of the property.
6. Work to be done under the supervision, and to the satisfaction of Street Commissioner.
7. Penalty for obstructing or incumbering gutters.
8. Gutters must be kept clean by occupant of adjacent property.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That it shall be the duty of the owner of every lot or part of lot, fronting on any of the streets of said city, which is or shall be brought to grade, to provide and keep in proper repair, gutters next to the sidewalks, as hereinafter required.

SEC. 2. Such gutters shall be six feet wide on Iowa avenue, and on other streets shall be four feet wide, and shall be not less than ten inches in depth; shall be constructed of good sound limestone, and shall be of one or the other of the following forms, viz.: The slope of the gutter shall commence on the outer edge, three inches below the top of the curb, and the curbing shall be ten inches in the clear, and of good sound limestone, or other hard or durable stone. Or the said gutters may be constructed of like material, in the form of an ellipse, commencing even with and conforming to the grade of the outer edge of said sidewalk on the one side, and to that of the grade of the streets on the other.

SEC. 3. When the Council shall, by any order or resolution, require any gutters to be made or relaid, the Marshal shall serve a notice of such order or resolution on the person, who is herein required to make or relay such gutter, or upon his proper representative or agent, and if he can find no person in the city on whom to serve such order or resolution, then by publishing the same in some newspaper of this city for one week, if the same be a daily paper, or two weeks if it be a weekly paper. Such order or resolution shall prescribe the time within which such gutter shall be made or relaid, and shall in general terms require such work to be of the kind, quality and description set forth in section 2 hereof. If the lot or part of lot, adjacent to which such guttering is to be

made or relaid, is in the occupancy of any tenant, the Marshal, in addition to the publication herein required, in cases where such publication is necessary, shall serve a copy of such order or resolution on the tenant, by leaving the same at the house of such tenant, or by delivering it to him personally.

SEC. 4. If any person shall neglect, or refuse to construct, or relay such gutter, as required by said order or resolution, after service of the same as herein provided, the Council shall direct the same to be done at the expense of the owner, and the expense and all the costs thereof, shall be assessed against such lot or part of lot as a special tax thereon, and may with the interest, be collected in the manner provided for the collection of such special taxes, or by a civil action in the name of the city.

SEC. 5. It shall be the duty of the Marshal, when any gutter of the city needs repairing, to notify the person owning the property adjacent to the gutter needing such repair, his proper representative or agent, to repair the same, and if the same is not done within a reasonable time after such notice, the Marshal shall report the same to the Council, and the Council may order such repairs to be made at the expense of the city, and for the collection of costs and expenses of such repairs, the city shall have the same remedies that are provided in section 4 hereof.

SEC. 6. All work done under the provisions of this ordinance, whether by the owner of the adjacent property or otherwise, shall be done under the supervision, and to the satisfaction of the Street Commissioner.

SEC. 7. No person shall encumber or obstruct the gutters of said city, by throwing or placing therein any ashes, garbage, filth or slops, or anything that will in any manner interfere with the full and uninterrupted flow of the water, under a penalty of not more than five dollars for each and every offence.

SEC. 8. It shall be the duty of every occupant of property, to keep the gutters in front of the property he is occupying, free and clear of all filth or other impurities and obstructions of any sort or kind whatever, under a penalty of not more than five dollars for each and every offence.

CHAPTER XLVII.

STREETS AND ALLEYS.

AN ORDINANCE in relation to the Grades of the City of Muscatine.

1. Grade of First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth streets.
2. The grades of all cross streets and alleys to conform to the elevation as given.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the following elevations, above the base level at the crossings of the streets, be and are hereby established as the grade of the streets as named:

On First street, at the eastern limits of the city, the elevation shall be three hundred and twenty-five feet above the base level; thence descend to Poplar at three hundred feet; thence to Orange and thence to Mulberry at three hundred and three feet; thence to Cedar at three hundred and five feet; thence to Sycamore at three hundred and three feet; thence level to Chestnut street; thence to Linn at three hundred and seven feet; thence to Spruce at three hundred and fifteen feet; thence level to Broadway; thence to Cherry at three hundred and nine feet; thence to Elm at three hundred and five feet.

On Second street, at the eastern boundary of the city, the elevation shall be three hundred and fifty-four feet; thence to east side of Poplar at three hundred feet; thence to west side of Oak at three hundred feet; thence to Orange at three hundred and two feet; thence to Mulberry at three hundred and eleven feet; thence to Walnut at three hundred and nineteen feet; thence to center of block between Walnut and Cedar at three hundred and twenty-two feet; thence to Cedar at three hundred and nineteen feet; thence to Sycamore at three hundred and ten feet; thence to Iowa avenue at three hundred and seventeen feet; thence to Chestnut at three hundred and twenty-four feet; thence to Pine at three hundred and thirty-feet; thence to Locust at four hundred and ten feet; thence to Cherry at four hundred and fifteen feet; thence to Elm at three hundred and sixty-eight feet.

On Third street, at the eastern boundary of the old city, the elevation shall be three hundred and thirty feet; thence to Cypress at three hundred and fifteen feet; thence to the level of the railroad; thence to the westerly corner of lots 2 and 9, in block between Oak and Orange, at three hundred and two feet; thence to Mulberry at three hundred and twenty-seven feet; thence level to Walnut; thence to Cedar at three hundred and twenty and one-eighth feet; thence to

to Sycamore at three hundred and twenty-one feet; thence to Iowa avenue at three hundred and twenty-seven and one-fourth feet; thence to Spruce at four hundred and two feet; thence to Broadway at four hundred and fifty-seven feet; thence to Cherry at four hundred and seventy-five feet.

On Fourth street, at the railroad, level with the same, thence to Spring at three hundred and three feet; thence to Oak at three hundred and seven feet; thence to Orange at three hundred and fifteen feet; thence to Mulberry at three hundred and thirty-two feet; thence to Cedar at three hundred and twenty-two and one seventh feet; thence to Sycamore at three hundred and thirty-four feet; thence to Iowa avenue at three hundred and forty-five feet; thence to Chestnut at three hundred and sixty feet; thence to Pine at three hundred and eighty-four feet; thence to Linn at three hundred and ninety-eight feet; thence to Spruce at four hundred and thirteen feet; thence to Broadway at four hundred and sixty feet; thence to Cherry at four hundred and seventy-five feet.

On Fifth street, at eastern limits of old city boundary, level with the railroad; thence to Poplar at three hundred and four feet; thence to Oak at three hundred and thirty feet; thence to Mulberry at three hundred and thirty-seven feet; thence to Cedar at three hundred and twenty-four and one-fifth feet; thence to Iowa avenue at three hundred and fifty-eight feet; thence to Linn at three hundred and seventy-five feet; thence to Spruce at three hundred and ninety feet; thence to Broadway at four hundred and forty feet.

On Sixth street, at Lombard, three hundred and five feet; thence to Cypress at three hundred and ten feet; thence to Poplar at three hundred and thirty feet; thence to Spring at three hundred and thirty-seven feet; thence to Mulberry at three hundred and forty-two feet; thence to Cedar at three hundred and twenty-six and one-fourth feet; thence to Sycamore at three hundred and forty-eight feet; thence to Iowa avenue at three hundred and sixty feet; thence to Linn at three hundred and eighty-eight feet; thence to Broadway at four hundred feet.

On Seventh street, at Lombard, three hundred and thirty feet; thence to Cypress at three hundred and thirty-five feet; thence to Spring at three hundred and thirty-eight feet; thence to Oak at three hundred and fifty-five feet; thence two hundred and forty feet at three hundred and eighty-five feet; thence to Orange at three hundred and seventy-nine feet; thence to Mulberry at three hundred and forty-seven feet; thence to Walnut at three hundred and thirty-six feet; thence to Cedar at three hundred and twenty-eight and one-half feet;

thence to Sycamore at three hundred and forty-five feet; thence to Iowa avenue at three hundred and sixty-two feet; thence to Pine at three hundred and ninety-five feet; thence to Broadway at four hundred and thirty feet.

On Eighth street at eastern limits of old boundary, three hundred and thirty-five feet; thence to Poplar at three hundred and thirty-eight feet; thence to Spring at three hundred and fifty feet; thence to a point two hundred and ten feet westward from the center of Oak, three hundred and seventy-five feet; thence to Orange at three hundred and ninety feet; thence to Mulberry at three hundred and fifty-two feet; thence to Cedar at three hundred and thirty feet; thence to Sycamore at three hundred and thirty-seven feet; thence to Iowa avenue at three hundred and sixty-four feet; thence to Pine at three hundred and ninety-five feet; thence to Linn at four hundred and twenty feet; thence to Spring at four hundred and twenty-five feet; thence to Broadway at four hundred and fifty feet.

SEC. 2. The grades of the alleys and cross streets will conform to the elevations as given in the preceding section, and will be on one plan from street to street, except as provided in this section. On Lombard street, four hundred feet from the center of Front at three hundred and fifty feet. On Iowa avenue, one hundred and eighty feet from the center of Fourth toward Fifth, at three hundred and fifty-three and one-eighth feet.

SEC. 3. That the grade on Seventh street, between Oak and Orange streets, be changed so as to run westerly from Oak street or Seventh street, two hundred and forty (240) feet, to an elevation of three hundred and seventy-nine (379) feet, and thence to Orange street, three hundred and seventy-nine (379) feet, as at present established.

SEC. 4. That the grade between Pine and Linn streets, is hereby changed to run as follows, viz.: From a point as now established at the intersection of Fourth and Pine streets westerly on Fourth street, one hundred and eighty (180) feet, to an elevation of three hundred and ninety-six (396) feet, and thence in a true line to the grade as now established at the intersection of Lynn and Pine streets.

CHAPTER XLVIII.

STREETS AND ALLEYS.

AN ORDINANCE for the protection of Streets and Alleys.

1. No person permitted to dig into or take any earth from any highway or wharf, except by direction of Street Commissioner, or by permission of the Council.
2. When and for what purpose the Council may give such permission. Street or sidewalk must be placed in as good condition as before.
3. Sides of excavation must be properly protected.
4. Penalty.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That no person shall be permitted to dig into, or remove from any street, alley or other public highway, or from any wharf, any earth, rock, stone, or other material pertaining to such street, alley, public highway or wharf, except by direction and under the supervision of the Street Commissioner, or with the permission of the Council.

SEC. 2. The Council may give permission to any person or corporate body, to make excavations on any street or alley, and to take up any pavement or sidewalk for the purpose of laying any drain or sewer, gas or water pipe. Any persons or corporations availing themselves of such permission, shall, as speedily as practicable, cause such street, alley or other highway, pavement or sidewalk, to be placed in as good and permanent condition, and as suitable for travel, as it was before being excavated.

SEC. 3. In all cases where excavations are made under the authority of this ordinance, it shall be the duty of the party or parties making the same, to have the sides of the excavations protected, without any delay, by suitable barriers, and to take every precaution against accident or injury to persons or animals.

SEC. 4. Any persons violating the provisions of this ordinance, shall be subject to a penalty of not more than one hundred dollars, and if such street or other public highway is not relaid in as good and substantial a manner as before such excavation, the city shall have the right to repair or relay the same, and recover the cost of such repairs by civil action against the person or body whose duty it was to make the same. Where a corporation is proceeded against for a violation of the provisions of this ordinance, any judgment rendered against it, either in the way of fines or otherwise, may be collected in the way that ordinary judgments are collected.

CHAPTER XLVIX.

STREETS AND ALLEYS.

AN ORDINANCE in relation to opening new Streets and Alleys, and for the extension, straightening and widening of existing streets and alleys.

1. Council may open new streets and alleys, and extend, straighten or widen existing ones, when.

2. Council shall first endeavor to purchase ground at a reasonable price. No purchase to be made until title is examined and abstract furnished.

3. Deed to be made to the city for ground purchased.

4. When the city fails to make purchase of the ground needed it shall, before entering upon it, file application in the Circuit Court. Requisites of such application.

5. On whom and in what manner notice of such application is to be served.

6. How service made on non-residents.

7. Court shall empannel jury to ascertain compensation to be made to the owner of the ground.

8. Duty of jury in ascertaining compensation.

9. When an amount of compensation is made, Court may make order in respect to payment or deposit of the money. City must comply with order of Court before taking possession.

10. Adverse claimant. Rights, how settled.

11. What costs city liable for.

12. City may abandon proposed improvement in whole or in part.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the Council may, when, in their judgment the public interest shall demand it, open new streets and alleys in the city, or extend, straighten or widen, any existing street or alley, but no new street or alley shall be opened, and no street or alley as now laid out shall be extended, widened or staightened, except by the affirmative vote of two-thirds of the Council, and shall not then be done unless there is money in the treasury, or due the city from the taxes of the current year, which can properly be applied to the expenditure required for such opening, extension, widening or straightening.

SEC. 2. In all cases where the Council shall conclude to do any of the acts authorized by this ordinance, they shall first endeavor to purchase of the owner or owners, the requisite quantity of ground that may be needed for such opening, widening, extension or straightening, and to purchase the same when such purchase can, in the judgment of the Council, be made at a fair and reasonable price. Before making such purchase, the Council shall cause the title to such ground to be examined by some person competent to make such examination, and a full and complete abstract thereof to be presented to the Council, and the same may, if the Council see proper so to direct, be submitted to some competent attorney, for his opinion thereon.

SEC. 3. In all cases where land is purchased by the city

from the owner or owners, for any of the purposes named in, this ordinance, the person or persons so selling shall execute and deliver to the city a good and sufficient deed for the ground so purchased.

SEC. 4. When, for any cause, the city shall fail to secure such ground, as it may need for streets or alleys by purchase, release or otherwise, the city may proceed to secure the same, in the manner hereinafter provided.

SEC. 5. Before entering upon, or attempting to take any private property for any of the uses authorized by this ordinance, the council shall cause an application to be made, in writing, to the Circuit Court for the County of Muscatine, which application shall describe, as accurately as may be, the property to be taken, the object for which it is proposed to be taken, and the names of the owner or owners of each lot or parcel thereof, if known.

SEC. 6. Such application shall be filed in the office of the clerk of said Circuit Court, and notice of the filing of said application, shall be served on the owner or owners of the land so proposed to be taken, if the same are known and can be found, in the same manner and within the same time as is required for civil actions commenced in said Court.

SEC. 7. If any of such owners are non-residents, so that personal service of such application cannot be had on him or them in this State, they may be served by publication. All the requirements of the Statute touching service by publication in civil actions, must be observed where service is made by publication under this ordinance, and, when so observed, such service shall have the same force and effect that is given to notices, similarly served, of actions commenced in the Circuit or District Courts.

SEC. 8. After the service has been made as provided in the two preceding sections, the Court shall proceed to ascertain the compensation to which each of such owners shall be entitled for the taking of his property, and for that purpose shall empanel a jury, and the mode of proceedure, shall, as far as applicable, be the same as in action of ordinary proceeding.

SEC. 9. The assessment shall be made so that the amount to be paid to each owner may be ascertained either by allotting it to each owner by name, or by each lot or parcel of ground. The jury ahall be sworn to make the whole inquiry and assessment, but may be allowed to return a verdict as to part, and be discharged as to the rest, in the discretion of the Court, and in case they shall be discharged from rendering a verdict in whole or in part, another jury may be empaneled at the earliest convenient time, which shall make an assessment

of the damages to so much or such part as the other jury were discharged from.

SEC. 10. When the amount of compensation to which any property owner shall be entitled, has been ascertained by the verdict of the jury the Court may make such order, as to the payment, or deposit as may be deemed just and proper. But the City shall not enter upon or attempt to occupy any lot or parcel of land described in said application, until it shall have paid, deposited, or secured to be paid, to the owner of such lot or parcel of ground, the compensation to which he shall be entitled by the verdict of the jury. When the City shall have paid the compensation assessed, or secured its payment by a deposit of money, under the order of the Court, possession of the property in respect to which such compensation has been paid, or secured, may be taken by the city.

SEC. 11. When the city shall have complied with the order of the Court in the paying or securing to be paid, the compensation awarded to any owner, or allotted to any particular lot or parcel of land, its right thereto shall not be affected by any adverse claimant, but the right of such adverse claimant shall be confined to the money so paid, or secured, and shall be settled and adjusted by the Court, as provided by Section 477 of the Code.

SEC. 12. The City shall be liable for the costs of the inquiry and assessment, and for no other costs, unless the same shall be taxed to it by order of the Court.

SEC. 13. If the damages assessed against the City are excessive, and such, as, in the judgment of the Council, it ought not to pay, the proposed improvement may be abandoned, in whole or in part. Or, if the Court shall make an order requiring the damages to be paid or secured within a time which it shall deem reasonable for the purpose, and if the City shall fail to comply with such order within the time fixed, such failure shall be regarded as an abandonment of the proposed improvement.

CHAPTER L.

STREETS AND ALLEYS.

AN ORDINANCE in relation to the Paving of Streets and Alleys:

1. Council may order a street to be paved, when.
2. Order to be issued. Form of order.
3. Order to be signed by the Mayor, and published. Publication deemed sufficient. notice. Marshal to notify, when. Failure of City to prepare street or alley for paving when ordered. May grade within ninety days. Marshal may serve notice on owners or their agents. Non-residents to be served by publication. When owner refuses, City can prosecute work, and assess expense to property owned by parties refusing.
4. If owners fail to complete work as ordered, City may cause the same to be done. Work to be given out on contract. Costs to be assessed ratably. Officer or party doing work to keep account of cost, and certify the same to the Council, to have effect of tax.
5. If all or part of said paving is done by the City, account must be kept of work and materials by the officer having the same in charge, who shall have same duties as Street Commissioner. Rate for labor; officer to issue certificates and report to Council.
6. Party receiving certificate to deliver the same to Mayor, who shall issue him a warrant therefor payable out of the paving fund. To be received by Collector, when.
7. Certificates to be preserved; shall procure check book, &c.
8. Collector to collect all assessments under this ordinance. Money designated the "Paving Fund." Shall be kept separate. Commission of collector and treasurer payable out of general fund.
9. Collections, how made.
10. Paving to conform to grade.
11. City to superintend improvements.

Be it ordained by the City Council of the City of Muscatine:

SEC. 1. That the City Council shall, from time to time, order and cause such street or part of street and alley or part of alley in said City to be paved as they may deem proper and advisable.

SEC. 2. That whenever such improvement is ordered by the Council, the order thereof may be in the following or equivalent form: "Ordered by the City Council of the City of Mus- "catine that ——— street from ——— street to ——— street "be paved as follows:" (Here describe, as nearly as practicable, the material to be used, the kind, quality and size thereof, and the depth of paving.) "Notice is hereby given to the "owners and holders of lots on said ——— street to pave "one-half of the said street, opposite to and adjoining their "respective lots, as required by this order, on or before the — "day of ——— next."

SEC. 3. The foregoing order, signed by the Mayor and attested by the Recorder, shall be published in one or more newspapers printed in said City, three times consecutively, the first insertion being at least thirty days prior to the time named in said order. Such publication shall be deemed a full and sufficient notice to all persons owning lots on the streets so ordered to be paved, of the kind of paving required of them, on said street, and of the time within which they will be required

CHAPTER L.

STREETS AND ALLEYS.

AN ORDINANCE in relation to the Paving of Streets and Alleys:

1. Council may order a street to be paved, when.
2. Order to be issued. Form of order.
3. Order to be signed by the Mayor, and published. Publication deemed sufficient notice. Marshal to notify, when. Failure of City to prepare street or alley for paving when ordered. May grade within ninety days. Marshal may serve notice on owners or their agents. Non-residents to be served by publication. When owner refuses, City can prosecute work, and assess expense to property owned by party refusing.
4. If owner fails to complete work as ordered, City may cause the same to be done. Work to be given out on contract. Costs to be assessed ratably. Officer or party doing work to keep account of cost, and certify the same to the Council; to have effect of tax.
5. If all or any part of said paving is done by the City, account must be kept of work and materials by the officer having the same in charge, who shall have same duties as Street Commissioner. Rate for labor; officer to issue certificates and report to Council.
6. Party receiving certificate to deliver the same to Mayor, who shall issue him a warrant therefor payable out of the paving fund. To be received by Collector, when.
7. Certificates to be preserved; shall procure check book, &c.
8. Collector to collect all assessments under this ordinance. Money designated the "Paving Fund." Shall be kept separate. Commission of collector and treasurer payable out of general fund.
9. Collections, how made.
10. Paving to conform to grade.
11. City to superintend improvements.

Be it ordained by the City Council of the City of Muscatine:

SEC. 1. That the City Council shall, from time to time, order and cause such street, or part of street, and alley, or part of alley in said City to be paved as they may deem proper and advisable.

SEC. 2. That whenever such improvement is ordered by the Council, the order thereof may be in the following or equivalent form: "Ordered by the City Council of the City of Mus- "catine that ——— street from ——— street to ——— street "be paved as follows:" (Here describe, as nearly as practicable, the material to be used, the kind, quality and size thereof, and the depth of paving.) "Notice is hereby given to the "owners and holders of lots on said ——— street to pave "one-half of the said street, opposite to and adjoining their "respective lots, as required by this order, on or before the — "day of ——— next."

SEC. 3. The foregoing order, signed by the Mayor and attested by the Recorder, shall be published in one or more newspapers printed in said City, three times consecutively, the first insertion being at least thirty days prior to the time named in said order. Such publication shall be deemed a full and sufficient notice to all persons owning lots on the streets so ordered to be paved, of the kind of paving required of them, on

said street, and of the time within which they will be required to do the same. *Provided*, however, that in addition to the publication aforesaid, the Council may, if they determine so to do, direct the Marshal of the City to serve a copy of said order on the owners of lots fronting on the streets ordered to be paved, residing or being in said city, which order must be served at least twenty days before the time therein named for such paving. *Provided further*, that in any case where the City shall have passed an order requiring any street or alley to be paved and where the City shall have failed for any cause to have the surface of such locality properly graded and prepared for such paving within thirty days prescribed by ordinance for the commencement of such work, by the owners of the property to be charged with the expense of paving such locality, the City may cause such locality to be properly graded and prepared for such paving at any subsequent time within ninety days from the time when it was first ordered to be commenced by the respective owners, and when so graded and prepared, the Marshal of the city shall notify the owners by serving upon each of them, or their agents, if they be residents of the City, a copy of the original order, with an additional clause, notifying them that the said locality is now ready for paving ; and if they be non-residents of the City and have no resident agents, by publishing such order by three insertions in at least one of the newspapers of the City; and in case such owner shall refuse or neglect to commence, and prosecute such work to completion within seven days from the date of the service of such order and notice, either personally or by publication, the City shall proceed to cause the locality therein described to be paved, and the expense thereof to be assessed and charged up to the lots or parts of lots ; and collect the same as ordinary City taxes, in like manner as though such locality had been properly prepared at the time first set for having the same done.

SEC. 4. If, at the expiration of the time fixed by said order, the owner, or owners of any real estate on the street therein named, fail to make, or if it be commenced, to diligently prosecute to completion, his, or their, proportion of the improvement in the manner prescribed by the order aforesaid, the City may cause the same to be done and to that end may give out the unfinished portion of said street on contract, in such manner and on such terms as will insure a faithful, speedy and economical completion thereof ; or they may direct it to be done by such officer as the Council may designate. If done by contract the cost thereof shall be assessed ratably on the adjoining lots or parts of lots ; if done by the City the officer charged with the making or completion of such improve-

ment shall keep an accurate account of the cost incurred opposite to and adjoining each lot, or part of lot, and shall certify the same to the Council, and such cost shall be assessed on such lots or parts of lots, and shall have the effect of a tax levied thereon.

SEC. 5. If the whole, or any part of said paving, is done by the City, the officer having charge of the same shall keep a true record of the materials furnished, the work done, and the precise locality of the work, and shall have the same general powers and be held to the same general duties, in relation to the specific improvement ordered, as the Street Commissioner has, and is chargeable with, in relation to the repairing and improving of general highways in the City, and the same rates allowed for work and labor on the streets generally shall be allowed for work and labor done under this ordinance. And for such work done, the said officer having charge of the same shall issue certificates in the same manner, and shall report to the Council as fully and particularly, as the Street Commissioner is required to do.

SEC. 6. The person to whom such certificate is given shall deliver the same to the Recorder, who shall, in lieu thereof, give a warrant on the City Treasurer, signed by the Mayor and countersigned by himself, for the amount of such certificate payable specifically out of the paving fund, and such warrant shall be receivable by the Collector in payment of paving assessments, under this ordinance.

SEC. 7. All certificates delivered to the Recorder, as in this ordinance provided, shall be carefully preserved. He shall procure a check book of sufficient size for paving warrants aforesaid, which book shall have a margin with space enough to note the number, amount and date of such warrants, the name of the payee and his receipt.

SEC. 8. The City Collector shall be Collector of all assessments made under, and by the authority of, this ordinance, and the moneys arising from such assessments shall be designated as the "Paving Fund," and shall be kept separate and distinct from all other moneys, as well by the Treasurer as by the Collector, and no money shall be drawn out of such fund except on warrants drawn expressly on said fund, nor shall anything be receivable in payment of such assessments but cash or warrants drawn on said funds. The Collector shall receive the usual commission, for the services herein required of him, payable out of the general treasury of the City.

SEC. 9. Any and all paving done by the City, under the provisions of this ordinance, shall, if the assessment therefor be not paid by the party or parties chargeable therewith, as

herein required, become and be levied as a special tax on the property liable for such assessment, and all the provisions of law relating to special assessments, and for the enforcement and collection of the same, shall apply to assessments levied under the provisions of this ordinance.

SEC. 10. It shall be the duty of the Council, whenever any street, or alley, is ordered to be paved, to so prepare the same that the street or alley, when properly paved, shall conform to the grade established for it, proper consideration and allowance being made for subsidence, for use and weather.

SEC. 11. All improvements made under the provisions of this ordinance, shall be made under the direction and supervision of the City.

CHAPTER LI.

STREETS AND ALLEYS.

AN ORDINANCE Establishing Grades in North Muscatine :

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the following elevations above the base line at the crossing of the streets be, and the same are hereby established as the grade of the streets as named.

On Eighth street, at the intersection of Poplar street, the elevation shall be three hundred and thirty-eight feet above the base level ; thence to Ninth street three hundred and thirty-nine feet ; thence to Tenth street three hundred and forty-eight feet ; thence to South Eleventh street three hundred and sixty-two feet.

On Eighth street, at the intersection of Cypress street, the elevation shall be three hundred and thirty-six feet above the base level ; thence to Ninth street three hundred and thirty-seven feet ; thence to Tenth street three hundred and forty and five-tenths feet ; thence to South Eleventh street and Tipton Road, three hundred and forty three and twenty-six hundredths feet ; thence to the corner of the alley between blocks eight and nine, three hundred and thirty-four feet ; thence to North Eleventh street three hundred and thirty-seven feet.

On Eighth street, at Lombard street, the elevation shall be three hundred and thirty-four feet ; thence to Ninth street three hundred and thirty-five feet ; thence to Tenth street three hundred and thirty-three feet ; thence to corner of alley between blocks eight and nine, three hundred and thirty-four

feet, thence to North Eleventh street, three hundred and thirty-seven feet.

On Brooks street, at intersection of Ninth street, the elevation shall be three hundred and twenty-eight feet ; thence to Tenth street three hundred and thirty-one and five tenths feet ; thence to North Eleventh street three hundred and thirty-six feet.

CHAPTER LII.

STREETS AND ALLEYS.

AN ORDINANCE relating to the payment of fines by labor on Streets and Alleys :

1. When the Police Judge may order fines to be paid by labor on the Streets.
2. Allowance for such labor.
3. Persons so laboring to be under the direction of the Street Commissioner, and in the custody of a member of the Police. Penalty for attempted escape.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That when any person or persons be found guilty of any offense against any City ordinance, and shall be unable or refuse to pay the fine or fines and costs assessed against him or them for the same, the Police Judge, may, with the consent of the Mayor, order that such person or persons, be employed at labor on the streets and alleys of the City until such fine, or fines, and costs shall be fully paid by said labor. Whenever such order is made the same shall be entered by the Police Judge on the docket.

SEC. 2. That any person or persons thus employed to labor shall be allowed the sum of $1.25 for each day's labor, to be applied in the extinguishment of his or their fine and costs of suit.

SEC. 3. That persons laboring in payment of fines as aforesaid, shall work under the direction of the Street Commissioner, and be in the custody of the Marshal of the City, or some member of the police department, and any person thus employed to labor, escaping or attempting to escape shall be liable to a fine of not less than five dollars for every such escape or attempt to escape.

CHAPTER LIII.

STREETS AND ALLEYS.

AN ORDINANCE in relation to the Grades of Streets and Alleys:

1. Council may establish grade, when. To conform as nearly as possible to grade of connecting streets and alleys.
2. Council may alter existing grades.
3. When grade is changed so as to injure or diminish the value of any property, owner may be paid damages.
4. How the amount of such claims shall be ascertained, and duty of Commissioners appointed by Council.
5. Notice of time and place of meeting for viewing the premises to be given by publication.
6. Commissioners to examine premises, and may take testimony; may administer oaths.
7. Amount of damages agreed on by Commissioners to be presented to Council within thirty days. Council may confirm or annul the appraisement. Action to be entered on the journal. Proceedings void, when
8. Appeal; how taken.
9. New Commissioners to be appointed when appraisement is annulled.
10. Council may remove Commissioners.
11. Council to pay all costs incurred previous to action on the appraisement.
12. Compensation of Commissioners.
13. Claims for damages for change of grade may be settled by the Council. Member of Council not permitted to vote, when he is a party in interest.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That where any street, alley or other public highway, or part of such street, alley or highway has had no grade established for it, the Council shall have power to establish such grade. In establishing such grade, the Council shall take care that it is made to conform, as nearly as may be, to the grade of the street, alley, or highway of which it may form a part, and to the grades of all connecting and intersecting streets, alleys, or highways.

SEC. 2. The Council shall have power, when they may deem it expedient to alter the grade of any street or alley in the City, but no such change of grade shall be made, except by the concurrent vote of two-thirds of the members of the Council.

SEC. 3. That when buildings have been erected, or other improvements made on any street, or alley, in accordance with the then established grade for such street, or alley, and such grade is subsequently altered in such manner as to injure or diminish the value of said property, it shall be the duty of the City to pay to the owner of said property, the amount of damage or injury he has sustained by reason of such change of grade.

SEC. 4. In all cases where damages are claimed for injury to property, caused by change of grade, it shall be the duty of the City Council to appoint three free-holders, who are not interested in any like claim, as Commissioners to ascertain the amount of damages, and assess the same against the City. Before entering upon their duties, the Commissioners so ap-

pointed shall take an oath or affirmation to discharge the duties imposed upon them faithfully and impartially, and to the best of their ability. The Commissioners so appointed may assess any number of lots in the same locality, upon which damages are claimed, for injuries resulting from the same change of grade.

SEC. 5. Before the said Commissioners shall undertake to make any assessment of damages, the City shall cause a notice to be published in some newspaper of said City, for the space of three weeks. Such notice shall describe the lot or lots, which it is claimed have been damaged by reason of the change of grade, and the time and place of meeting for the purpose of viewing the premises, and shall be signed by the Commissioners.

SEC. 6. The said Commissioners shall meet at the time and place named in said notice, and shall proceed to examine the premises in respect to which damages are claimed. They may, if they see proper, hear testimony touching the value of said property, and the extent of its damages, and to that end any one of said Commissioners shall have power to administer oaths to the witnesses whose testimony they decide to hear. Where witnesses are introduced and sworn on one side, the other side shall have the right of cross-examination, and shall also have the right to introduce opposing testimony. The Commissioners may adjourn from day to day until the examination is completed.

SEC. 7. When the Commissioners shall have agreed upon the amount of damages sustained by the different property owners, if there be more than one whose claim has been submitted to and passed upon by them, they shall make out and sign their appraisement, and return the same to the Council. Such return must be made within thirty days of their appointment. The City Council shall have power to confirm the appraisement so returned to them, or annul it. If two or more lots are embraced in the return of the Commissioners, they may confirm the appraisement made in regard to one or more of such lots, and annul the appraisement in regard to the others. Where an appraisement is confirmed, an order of confirmation shall be duly entered in the journal of proceedings. If any appraisement is annulled, such order of annulment must, in like manner, be entered on the journal, and where any appraisement made by the said Commissioners is annulled, all the proceedings in relation to such appraisement shall be void.

SEC. 8. Any person interested in the property, the appraisement of which is confirmed by the Council, may, if dissatisfied

with said appraisement, appeal to the Circuit or District Court, from the order confirming such appraisement. Such appeal shall be effected by serving notice thereof on the Mayor at any time before the expiration of twenty days after entering the order of confirmation.

SEC. 9. When any appraisement is annulled by the Council, the Council shall at once appoint three new Commissioners, and the course of proceedings shall be the same as though no previous appointment of Commissioners had been made.

SEC. 10. The Council shall have power to remove any of the said Commissioners, and to appoint others in the place of such as may be removed, or may refuse, neglect, or be unable from any cause, to serve.

SEC. 11. The City shall, in all cases pay the costs of all proceedings, which have been incurred previous to the order of the Council confirming or annulling any appraisement.

SEC. 12. The Commissioners shall receive such compensation for their services as shall be just and reasonable in view of the nature of their labor and the time expended.

SEC. 13. All claims for damages for change of grade must be first presented to the Council, and the Council may, if, in their judgment the claim is just, and the amount reasonable, settle the same with the owner, without referring it to the Commissioners. If, however, the claim so settled by the Council be made by a member of the Council in his own behalf, or in behalf of his wife, or his child, or children, such member shall not be permitted to vote either on the question or settling the same by the Council, or on any order for confirming or annulling the appraisement made by the Commissioners.

CHAPTER LIV.

STREETS AND ALLEYS.

AN ORDINANCE declaring Certain Ground a Public Street:

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That part of lot nineteen, (19,) Section thirty-four, (34), of Township seventy-seven, (77), Range two, (2,) west, as laid down in the plat of the Butlerville addition to the City of Muscatine and bounded as follows: Beginning at a point on the western boundary of said lot nineteen, (19,) where it strikes the north boundary line of Starr street; thence in a due easterly course to the eastern boundary line of said lot nineteen, (19); thence south on said line, fifty feet;

thence due westerly across said street to the place of beginning, (being the land conveyed to the City of Muscatine, by George Kremer and Louisa Kremer, by their deed, executed March 18th, 1873), be, and the same is hereby declared to be a public street, and shall be known as the eastern extension of Starr street.

CHAPTER LV.

STREETS AND ALLEYS.

AN ORDINANCE vacating part of Green Street.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That so much of Green street in said City, viz: Beginning at a stake north sixty-nine degrees, west one and forty-hundredths chains from the north-east corner of out-lot number twenty, in sub-division of west half of north-west quarter of section number two, (2), Township seventy-six, (76), range two, (2), west; thence north sixty-nine (69) degrees, west one and three-hundredths (1.03) chains, to a stake; thence south three (3) degrees, east nine and thirty hundredths (9.30) chains to a stake; thence north twelve (12) degrees, east nine and five hundredths (9.05) chains to the place of beginning, being that part of said street conveyed by the City to the German American Roman Catholic Beneficial Association, by deed bearing date, October 10th, 1874, be, and the same is hereby vacated, and shall henceforth cease to be a part of Green street, and instead thereof, that the following described tract of land, to-wit: "Beginning at a stake north sixty-nine (69) degrees, west two and forty-three hundredths (2 43) chains from north-east corner of out-lot number twenty, (20), in sub-division of the west half of north-west quarter of section two, (2), township seventy-six, (76), range two, (2), west; thence north sixty-nine (69) degrees, west one chain to a stake; thence south three (3) degrees, west nine and forty-five hundredths (9.45) chains to a stake; thence north twelve (12) degrees, east nine and twenty-eight hundredths (9.28) chains to place of beginning, being that parcel, or tract, of land, conveyed by the German American Roman Catholic Beneficial Association to the City of Muscatine, by deed bearing date October 10th, 1874, be, and the same is hereby declared to be a public highway, as constituting a part of said Green street, for all the uses and purposes of the same.

CHAPTER LVI.

STREETS AND ALLEYS.

AN ORDINANCE vacating part of River Road in Smalley's sub-division and extending Union Row.

1. Part of road in A. Smalley's sub-division vacated.
2. Union Row extended.

Be it ordaincd by the City Council of the City of Muscatine :

SECTION 1. That so much of the river road, or street along the river as lies between Hanover street, in South Muscatine, and a street marked "A," in the sub-division of Abraham Smalley, adjoining South Muscatine, be vacated.

SEC. 2. That Union Row be extended parallel with the line of the railroad, through the land and lots owned by Richard Musser and Peter Musser, in South Muscatine, along the alley in block eight, to a point where a continuation of Second street of Smalley's sub-division would intersect Union Row, thus extended, (between lots one and ten, in block eight,) and from thence to the north end of said Second street of Smalley's sub-division.

CHAPTER LVII.

STREETS AND ALLEYS.

AN ORDINANCE accepting the Survey of South Muscatine :

1. City Council accepts survey of South Muscatine and reserves right to establish grades of streets and alleys therein, without incurring liabilities.
2. Proprietors to file acceptance of provisions of ordinance within thirty days.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That whereas, Abraham Smalley, Joseph A. Green, George C. Stone and Jacob Butler, have laid out a part of sections two and three, in township 76, N. R. 2 W., in the County of Muscatine, and within the limits of the City of Muscatine, into lots, and streets, and alleys, and called the same, for convenience of description, South Muscatine, (as shown in the map, or plat, acknowledged by them, and which map is to be recorded by them among the records of Muscatine County, and a copy thereof furnished to the City of Muscatine to be kept in the Mayor's office,) and propose dedicating said streets and alleys to the purposes indicated by said map. Now in consideration of the dedication of said streets and alleys as aforesaid, without charge to the city of Muscatine, the said City, represented by the City Council, hereby

accepts the survey of said lands, and the location of said streets and alleys as shown by said map, and recognizes it as a part of the City of Muscatine, in as full and ample a manner as though said streets and alleys had been laid out under the direction and by the authority of the City Council, hereby reserving to itself the right to establish the grades of the streets and alleys in South Muscatine at its earliest convenience, and it being expressly understood that said City shall not be liable to any person, or persons, whomsoever, for any damages which may be suffered by the establishment of said grades.

SEC. 2. The proprietors of said land, laid out as aforesaid, shall signify their acceptance of the provisions of this ordinance in writing, within thirty days after the passage thereof, said acceptance to be filed in the Mayor's office and recorded among the records of the City.

CHAPTER LVIII.

TAXES.

AN ORDINANCE for the collection of General and Special Taxes:

1. County Collector to collect taxes levied by City. What are general taxes; what special.

2. Assessment roll to be certified to County Auditor, with per cent. of tax levied. Special taxes to be included.

3. Auditor to place the same on the books of the County. When special tax is levied shall be put separate; must deliver to City Collector.

4. Collector to give thirty days' notice of general taxes levied and rate of levy; how. Persons aggrieved may have correction made.

5. When taxes become due and payable. When they shall become delinquent.

6. Specific assessments shall be a special tax, when; when delinquent. If not paid when general taxes become delinquent shall bear same rate of interest. Provided.

7. General taxes when delinquent shall become a lien. Tax on personal property unpaid shall become a lien on real estate.

8. Tax may be collected by distress and sale; penalty when not paid by 1st of March; amount of. Not to apply to any taxes levied by Court to pay judgment on City indebtedness.

9. After publication taxes may be collected in same manner as are State and County taxes. When taxes are paid, collector to make entry and give receipt.

10 If not paid by 1st Monday in October, Collector may sell property on which such taxes are liens. Sale to include, what. Least quantity of property to be sold as will pay taxes thereon; when part sold how divided. Purchase money to be paid immediately, or lot may be resold. May continue sale.

11. Cost of advertising property for delinquent taxes.

12. Notice to be given by publication. What it shall contain.

13. Irregularity of notice not to affect the sale, if property was subject to such taxation. Advertisement is notice to person having any interest in such property. Personal demand not necessary.

14. Collector to keep record of all sales made by him for delinquent taxes and report to Council.

15. After tax list is placed in his hands, Collector must assess any property omitted in the rolls. City assessor to assist him. Shall report to Council.

16. Real estate may be redeemed within three years. Persons desiring to redeem must pay. Penalty not to attach to subsequent years unless taxes have become delinquent.

17. Certificate of redemption to be issued to person redeeming, as provided by Code, and to be entered in sale book.

18. Redemption money to be held subject to order of purchaser, and paid to him on surrender of certificate of purchase. When certificate is lost.

19. When the property of a lunatic or minor sold for taxes may be redeemed, and by whom.

20. Persons desiring to redeem after delivery of deed shall bring an action in Court of Record. Who made defendants. Court to determine interest of parties. Property not allowed to be redeemed in any other manner, after the serving of notice required by Sec. 894, of Code, and delivery of deed.

21. Holder of any certificate of purchase may, at the expiration of two years and nine months, give notice as provided by Code. Provisions therein to be strictly followed, except. Deed not to be delivered until requirements are complied with. Cost to be added to redemption money.

22. Deed to be granted for the portion of property sold, not redeemed. More than one parcel may be included in a single deed. Such deed shall recite ; executed by collector. Sec. 896 of the Code to apply so far as applicable.

23. Such deeds and conveyances to have same effect as deeds made by County Treasurer, and owners to have rights and remedies as prescribed in the Code.

24. Taxes may be collected by distress and sale of personal property.

25. When goods are distrained for taxes and owner refuses to give bond for delivery of same on day of sale, they may be kept at expense of such owner, and notice of sale given within five days of such taking, in same manner as is required of Constables. Time of sales. May adjourn. Fees. Surplus.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the Collector of State and County taxes for the County of Muscatine, shall be the Collector of taxes, both general and special, assessed and levied by the city of Muscatine. All taxes levied by the City Council, the basis of which is a certain per centage on the assessed value of taxable property within the City, together with the poll tax, are, for the purposes of this ordinance, declared to be general taxes. All taxes levied, by special assessment, on certain specified pieces of property, for work done by or under any contract with the City, and which it was the duty of the owner to have done, are hereby declared to be special taxes.

SEC. 2. That the Council shall cause to be certified to the Auditor of said Muscatine County, on, or before the first Monday of September, in each year, the assessment roll of said City, for said year, together with the per centage of tax, or number of mills on the dollar, levied by them on the taxable property within said City, as shown by said assessment roll. That said Council shall also include, in said assessment roll, all special taxes levied by said City against any lot, or other piece of ground, designating, in concise language, the purpose for which such special tax has been levied, and the date from, and rate of interest, at which interest is to be computed on said special tax, until the general taxes shall have become delinquent.

SEC. 3. On the receipt of these documents, by the Auditor, he shall place the same on the tax books of the County, in the

same manner as County taxes are placed thereon ; and whenever a special tax has been levied against any lots or other piece of ground, he shall place the amount of such special tax in a column opposite said lot or parcel of ground, together with the date from, and rate at which interest is to be computed, and, when the same is completed it shall be delivered to the City Collector.

SEC. 4. Immediately after the tax list is delivered to the Collector, and before proceeding to collect the general taxes therein, the Collector shall give thirty days' notice of the assessment and levy of the tax, describing in such notice, the various purposes for which the general taxes were levied and the rates thereof. Such notice shall be by publication, in some newspaper printed in the City. During the said thirty days any person aggrieved by his assessment, or taxation, may appear before the Council, and have the same corrected, if found erroneous.

SEC. 5. All general taxes (as the same are herein defined) levied by the City Council shall become due and payable on the first day of November, in each year, and if the same are not paid by the first day of February following, or during the month of February, they shall become delinquent and bear the penalties hereinafter provided.

SEC. 6. In all cases where any lot, or parcel of ground is chargeable with any specific assessment, for work done, or expenditures incurred by the City, in respect to such lot or parcel of ground, such assessment shall be made and levied as a special tax on such lot, or parcel of ground, and if the same is not paid within thirty days after the City has done, or caused to be done, the work out of which such assessment has arisen, the same shall then become delinquent, and bear interest at the rate of ten per cent. per annum, from the time such work was completed, and shall be placed on the tax list for collection. If such special tax is not paid by the time the general taxes become delinquent, as herein provided, such special tax shall, from that time, bear the same rate of interest prescribed for delinquent general taxes, in Section No. 7, of this ordinance. *Provided*, that nothing contained herein shall prevent the said City from instituting a civil action for the collection of any special tax, in the manner authorized by Sections 478 and 479 of the Code of Iowa.

SEC. 7. On the first day of February, the unpaid general taxes (as the same are herein defined) for the preceding year, shall become delinquent, and shall bear interest as hereinafter provided; and taxes upon real property shall be a lien thereon, against all persons whomsoever, except the United States, and

the State of Iowa, and taxes due from any person upon personal property, shall be a lien upon any real property owned by such person, or to which he may acquire a title.

SEC. 8. The Collector shall continne to collect taxes after they shall have become delinquent, until collected by distress and sale ; but if they are not paid before the first day of March he shall collect, in addition to the tax of such tax payer, so delinquent, as a penalty for non-payment, at the rate of one per cent. a month for the first three months, and at the rate of twenty-five per cent. per annum thereafter. But the penalty provided by this section shall not be construed to apply, and shall not apply, upon taxes levied by order of any court to pay judgment on City bonded indebtednes ; and, upon such taxes, no other penalty, further than the interest which such judgment draws, shall be collected.

SEC. 9. After having made the publication, required by Section 4, hereof, the Collector shall proceed to collect the general taxes, in the same manner that State and County taxes are collected, and also all special taxes. Whenever any tax is paid to the Collector, he shall make the entry of such payment, on the tax book, in the same manner that entries are made for the payment of State and County taxes ; and shall deliver to the tax payer a receipt for the taxes so paid, stating therein the date of such payment, the description of the land, or property, on which such taxes were paid, and the amount of each kind of tax and costs. If there be other taxes due the City, by such tax payer, for any past year, or years, such other taxes, may, if then paid, be included in the same receipt.

SEC. 10. If the taxes, general and special, or either, are not collected by the first Monday in October, in each year, it shall be the duty of the Collector to offer at public sale, at his office, all lots, or other parcels of ground, upon which the said taxes, general and special, are liens. In all sales for such taxes, or for any delinquent taxes due the city, (if there be other delinquent taxes due by the same person, or which are a lien on the same property, the same shall be included in such sale), the property shall be sold for the total amount of taxes, interest and costs, due and unpaid, on such real property. The sale shall be for the least quantity of the lot or parcel of ground for which any person will pay the taxes and all the costs thereon; or, it may be for the whole, if a bid cannot be obtained for a less quantity. Where, at such sale, any quantity less than the whole of such lot, or parcel of ground is sold, the part so sold shall be taken from the east side of such lot, or parcel of ground, dividing it lengthwise, by a line

parallel with the proper line of such lot, or of the Congressional sub-division of which any parcel of ground, not divided into lots, originally formed part. The purchaser shall immediately pay to the Collector the amount due, and in case of a failure so to do, the lot, or parcel of land, shall again be offered for sale. The Collector shall continue the sale from day to day, as long as there are bidders, or until the taxes are paid.

SEC. 11. The cost of advertising sales, for delinquent City taxes, shall be no greater than the cost for advertising sales of similar property for delinquent State and County taxes.

SEC. 12. Before offering any real property at tax sale it shall be the duty of the Collector to give thirty days notice thereof, by advertisement in some newspaper of general circulation, printed and published in the City of Muscatine. In such advertisement it will be sufficient to state the description of the lot, or parcel of real estate to be sold, together with the amount of taxes delinquent and unpaid thereon. If such delinquent taxes embrace taxes of previous years, as well as those of the current year, it shall not be necessary to name such previous years, but it will be sufficient if the total amount of taxes, with interest and costs, against such lot, or parcel of ground, is given, including therein any unpaid special tax or taxes that may have been assessed and levied against such lot or parcel of ground, with the interest and costs that will have accrued thereon, at the time fixed for such sale.

SEC. 13. No irregularity or informality in the advertisement of such real property for delinquent taxes shall affect the validity of any sale, or the title to any property conveyed by virtue of such sale, if it shall appear that such property was subject to taxation for the year, or years, for which the same was sold, and that the tax was due and unpaid at the time of sale, or, if sold for a special tax, that the property was subject to such special tax, and that such special tax had been placed on the tax list for collection, and was unpaid. In all cases the advertisement shall be sufficient notice to the owner, and all persons having any interest in, or claiming any title to any lot, or parcel of real estate, of the sale of such property for delinquent taxes ; and the failure of the Collector to make a personal demand shall not affect the validity of any sale, or the title to any property acquired under such sale.

SEC. 14. It shall be the duty of the Collector to keep a true record of all sales of real estate made by him for delinquent City taxes, and he shall make a full report thereof, to the Council, on or before the first day of January of each year. Such report shall describe the various lots, or parcels of

ground sold by him, and the amount of taxes, on account of the non-payment of which the property was sold, particularizing the various kinds, or items, of tax levied, together with the costs, including therein the cost of advertising. He shall also state how much, and what part of each lot or tract of land was sold, together with the date of sale, and the name of the purchaser.

SEC. 15. After the tax list shall have come into the hands of the Collector he is authorized, and it is hereby made his duty, to assess any real or personal property subject to taxation which may come to his knowledge, and which may have been omitted from the assessment roll. In making such assessment the Collector shall call to his aid the City Assessor. It shall be his duty to report to the Council all such assessments, describing the property, and naming the person assessed therewith.

SEC. 16. Real estate sold for delinquent City taxes may be redeemed at any time within three years, by any person authorized to redeem the same. Such redemption shall be by payment to the Collector of the amount for which the real estate was sold at tax sale, with a penalty of twenty per cent. immediately added, and ten per cent. interest on the whole amount thus made from the day of sale, and also the amount of all taxes, special, as well as general, together with interest and costs paid for any subsequent year or years, and a similar penalty of twenty per cent. added, as before, on the amount of the payment for each subsequent year, with ten per cent. interest per annum on the whole of such amount, or amounts, from the day, or days, of payment unless such subsequent taxes shall have been paid by the person for whose benefit the redemption is made, which fact may be shown by the Treasurer's receipt ; and provided further, such penalty for the non-payment of taxes for any such subsequent year or years, shall not attach unless such subsequent tax or taxes, shall have remained unpaid for the period of thirty days after they become due, so that they have become delinquent, nor shall any of said penalties apply in the cases mentioned in the last clause of Section 8, of this ordinance.

SEC. 17. The Collector, upon the application of any person to redeem real property, sold as aforesaid, and being satisfied that such person has a right to redeem the same, shall, upon the payment of the proper amount, issue to such person, a certificate of redemption, in substance and form as provided in Section 891 of the Code, and shall make the proper entry thereof on the sale book, which redemption shall thereupon be deemed complete without further proceedings.

SEC. 18. The Collector shall hold the redemption money subject to the order of the purchaser at tax sale, and pay the same over to him on surrender of the certificate of purchase, or if such certificate is claimed to have been lost or destroyed, upon satisfactory proof that it has been so lost or destroyed, and of the further fact that it was not assigned.

SEC. 19. If the real property of any minor or lunatic is sold for taxes, the same may be redeemed at any time within one year after such disability shall have been removed, in the manner provided in the next section; or such redemption may be made by the guardian or legal representatives of such persons at any time before the delivery of the deed.

SEC. 20. Any person entitled to redeem lands sold for taxes after the delivery of the deed, shall redeem the same by an equitable action in a court of record, in which all persons having or claiming an interest in the lands derived from the tax sale, as shown by the record, shall be made defendants, and the Court shall determine the rights, claims and interest of the several parties, including liens for taxes and claims for improvements made on the land, by the person claiming under the tax title. And no person shall be allowed to redeem land sold for taxes in any other manner, after service of the notice required by Section 894 of the Code, and the execution and delivery of the deed.

SEC. 21. The lawful holder of any certificate of purchase, may, at the expiration of two years and nine months from the date of the sale of the land for taxes, give the notice required by Section 894 of the Code. All the requirements of said Section in regard to the contents of said notice, manner of service, time of service and proof of service, must be strictly followed except that the notice herein required shall state that the sale was made for taxes due the City of Muscatine, and that such sale was made by the City Collector. No deed shall be executed and delivered to the holder of such certificate until the provisions of said Section 894, except so far as the same is herein modified, have been in all particulars fully complied with. The cost of serving said notice, whether personally, or by publication, together with the costs of affidavit required by said Section 894, shall be added to the redemption money.

SEC. 22. When the holder of any certificate of purchase at tax sale shall have shown himself entitled to a deed for the land described in such certificate, or for any part thereof, the Collector shall make out to him a deed for such lot or parcel of land remaining unredeemed, and deliver the same upon the surrender of such certificate. Any number of lots, or parcels

of real estate, bought by one person, may be included in a single deed, if the purchaser so require. Such deeds shall recite that the taxes, on account of the non-payment of which the lands described in the deeds were sold, were taxes assessed and levied by the City of Muscatine, and that said taxes remained due and unpaid at the date of the sale, and they shall be executed and acknowledged by the Collector in his capacity as City Collector. In all other respects and so far as applicable, such deeds may be in form substantially as provided by Section 896, of the Code.

SEC. 23. All deeds and conveyances made and executed on account of any general or special tax sales, shall have the same power and effect as deeds made by County Treasurers for delinquent County taxes, and the purchaser, as well as the owner, of any real estate sold on account of such general or special delinquent tax shall be entitled to all the rights and remedies which are granted and prescribed by the Code in Sections 897, 898, 899, 900, 901, 902, 903, 904 and 905 thereof.

SEC. 24. After the taxes shall have become delinquent, as herein provided, the collector is directed to make the same by distress and sale of personal property, subject to taxation, and the tax list alone shall be sufficient warrant for such distress.

SEC. 25. When the Collector distrains goods, or other personal property, and the owner shall refuse to give a good and sufficient bond for the delivery of such goods, or other personal property, on the day of sale, the Collector may keep them at the expense of the owner, and shall give notice of the time and place of their sale, within five days after their taking, in the manner Constables are required to give notice of the sale of personal property under execution. The time of such sale shall not be more than twenty days from the day of taking, but he may adjourn the sale, from time to time, not exceeding five days in all, and shall adjourn it at least once when there are no bidders, and in case of adjournment, he shall put up a notice thereof, at the place of sale. The fees for such sale shall be the same as are allowed Constables for the sale of property on execution. Any surplus remaining above the taxes, cost of keeping, and fees of sale, shall be returned to the owner, and the Collector shall, on demand, render an account, in writing, of the sale and charges.

CHAPTER LIX.

TAXES,

AN ORDINANCE in relation to Poll Taxes.

1. Poll tax of two dollars on able bodied male inhabitants, between 21 and 50 years. Firemen exempt.
2. Poll tax may be paid by labor on the streets, under the direction and authority of the Street Commissioner.
3. When Street Commissioner must give notice.
4. Street Commissioner to give certificate to person paying poll tax by labor on the street, and report to Council by September 1st, names of persons to whom such certificates have been given. Council to make entry on assessment roll of taxes so paid.
5. Unpaid poll taxes to be certified and entered on tax list.
6. Poll taxes paid in money to be part of road fund.
7. Delinquent poll taxes may be collected by civil action. Collector to report names of delinquents.
8. When poll tax has been paid by labor, but not marked paid on tax list, Auditor may make correction,
9 Duty of Collector when poll taxes are due.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That there shall be assessed and levied, a poll tax of two dollars, on every able bodied male inhabitant of said City, between the ages of twenty-one and fifty years, for street and road purposes, except such firemen as are exempted under the State law, or ordinances of this City.

SEC. 2. Any person liable to such poll tax as herein provided, may pay and discharge the same by two days' labor on the streets, alleys, or other public highways of the City, between the first days of April and September in each year, and after the publication of the notice hereinafter provided for. Such labor may be performed by the party himself, or by any substitute offered by him and accepted by the Street Commissioner, and must be performed at such time and place, and in such manner as the Street Commissioner may direct.

SEC. 3. The Street Commissioner shall, on, or before the first day of April in each year, or as soon thereafter as may be, give notice to all persons desirous of paying their tax by performing labor on the highways of said City, that they are required to perform the same at such place or places as he may designate, within the next twenty days after the date of such notice, and that in default thereof, they will be required to pay the amount of such poll tax in money. Such notice shall be given by publication in some newspaper of said City, for three days, and shall be in the following, or equivalent form ;

"STREET NOTICE.—Each able-bodied male inhabitant of the " City of Muscatine, between the ages of twenty-one and fifty " years, is notified, that he is required within twenty days to " report himself to the Street Commissioner, or to send a satis- " factory substitute to labor on the streets, alleys, or highways

"of said City, for the space of two days, at such place, or "places as the Street Commissioner may designate; otherwise "such inhabitant will be required to pay the sum of two dol- "lars to the Collector of City taxes as a poll tax, and if the "same is not paid to such Collector it may be collected by "suit.

(*Date here.*) "STREET COMMISSIONER."

No other notice shall be necessary.

SEC. 4. The Street Commissioner shall in all cases in in which such poll taxes have been paid by work and labor done, on the streets or other highways of the City, deliver to the person so paying said poll tax, a certificate which may be in the following form :

OFFICE OF THE STREET COMMISSIONER.
City of Muscatine.

"This is to certify that ——— ——— ——— has performed "two days' work and labor on the public highways of the City "of Muscatine, under my direction, in payment of his poll tax "for the year 18—.

"Witness my hand this —— day of ——— A. D., 18—.

"STREET COMMISSIONER."

The Street Commissioner shall also report to the Council on or before the first day of September, of each year, the names of all persons to whom such certificates have been issued, and the date of the same. The Council shall thereupon order that all poll taxes entered upon the assessment roll against the persons to whom such certificates have been issued be marked "Paid by work."

SEC. 5. All poll taxes which have not been paid by work and labor, as herein specified, by the first day of September in each year, shall be certified up with the assessment roll to the County Auditor, to be entered by him on the general tax list, and shall be treated as general taxes, possessing the same liens on real property, belonging to the person against whom they were assessed, bearing the same rate of interest, and their collection may be enforced in the same manner.

SEC. 6. All poll taxes collected by the Collector of City taxes, shall be placed as part of the road fund, and shall be applied to street and road purposes only.

SEC. 7. The City Council may, in any case, bring a civil action for the recovery of any poll tax, after the same has become delinquent, against any male inhabitant of said City who is subject to said tax, and against whom said tax has been duly assessed, and who has not paid the same by performing work on the streets, in the manner herein provided, or otherwise. It shall be the duty of the Collector, whenever

required by the Council, to report to it the names of the persons who have failed to pay the poll tax with which they have been assessed. He shall also state what property, if any, such persons are assessed with.

SEC. 8. Any person against whom a poll tax is assessed, and returned in the tax list for collection, and who has paid the same by labor done on the streets, shall deliver to the Auditor, the certificate given to him by the Street Commissioner, showing the performance of such labor, and the Auditor shall thereupon mark the said poll tax paid, on the tax list, with the proper explanation, and shall report the same to the Council.

SEC. 9. It shall be the duty of the Collector of City taxes, after the tax list shall have come into his hands for collection, to notify every person against whom there is no other tax assessed, except a poll tax, that such tax is due, and if the same be suffered to become delinquent, payment thereof will be enforced in the manner provided by law. Such notice shall state the amount of such tax, and may be sent by mail. A failure to receive such notice, or any defect therein, shall in no manner affect the enforcement, or prejudice the collection such tax.

CHAPTER LX.

TAXES.

AN ORDNIANCE in relation to the Correction of Assessments.

1. Council to make correction and equalization in assessments as shall be just and equitable.
2. Correction and equalization may be made by Council, or referred to a committee. Duty of committee, and Council on report of committee. When report must be made.
3. Council may direct Assessor to make correction; property omitted may be assessed. Correction made, when.
4. Council to approve and levy taxes.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. Immediately after the Assessor shall have returned to the Council, the assessment made by him for the year then ensuing, it shall be the duty of the Council to examine the same, and, if necessary, to direct such correction and equalization to be made in such assessment as shall be just, equitable and proper.

SEC. 2. The Council may, if it sees proper, refer the assessment to a committee for examination and correction. Such committee shall thereupon proceed to make a careful investigation of the assessment, calling to their aid the Assessor, if

they shall deem it advisable; and if, in their judgment, the assessment needs correction they shall report to the Council such corrections as will tend more nearly to a fair and equal distribution of the burdens of taxation among the tax payers of the City. Such report shall be made on or before the third Saturday in July following, and the Council shall thereupon examine the assessment and the corrections made therein, if any, by said committee and may make such additional corrections as it shall deem just, necessary and proper.

SEC. 3. If the Council decides that the assessment needs correction and equalization, it shall direct the Assessor to make the required correction and equalization, and also to add to it any taxable property which he may have omitted, which may be assessed at its ordinary assessable value. Such correction and equalization shall be made on or before the third Saturday in August, although it may be made afterwards, but not later than the last day of August.

SEC. 4. When the Assessor shall have made the proper corrections and equalization of the assessment, as required by the Council, the Council shall approve it, and shall thereupon levy the proper per centage of taxes for the various purposes for which it is required to levy taxes.*

CHAPTER LXI.

TREES.

AN ORDINANCE for the protection of Shade and other Trees.

1. Not to tie animals to trees, or boxing, without consent of owner.
2. Not to injure or destroy trees, or boxing.
3. Provisions of ordinance extend to what.
4. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That no person shall tie, fasten, or hitch any horse, or other animal, or team, of any description, to any tree which has been, or may hereafter be planted on any street, or avenue, or other public thoroughfare of the City, or to any boxing placed around such tree, without the consent of the owner, or occupant of the premises immediately adjoining.

SEC. 2. No person shall, without the authority of the owner, destroy or injure any tree so planted, or pull down, cut, or destroy any such boxing, or other protection, without like authority.

*Sections 829, 830 and 831 of the Code, post page — constitute the City Council of any City that is authorized to elect an assessor for State and County purposes, a board of equalization for City purposes, and they are required to meet as such on the first Monday of April, of each year.

SEC. 3. The provisions of this ordinance shall extend to and embrace shade and ornamental trees planted on any public grounds of the City, whether set out by private individuals, or by, or under the authority of the City.

SEC. 4. Any person violating the provisions of this ordinance shall be deemed guilty of misdemeanor, and, on conviction thereof, may be fined in any sum not exceeding twenty dollars, and in addition thereto, shall be liable to a civil action for damages at the suit of the party injured.

CHAPTER LXII.

WARDS.

AN ORDINANCE defining and establishing the Wards of the City.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That the boundaries of the several wards of the City shall be as defined in the act entitled "An Act to Incorporate the City of Muscatine," approved February 1st, 1851, except that the boundary lines described as the middle of Walnut street, shall be extended to a point where they would intersect a line drawn east and west through the center of Sections twenty-six and twenty-seven, in Township seventy-seven, Range two west of the 5th Principal Meridian, so that so much of the City as lies south and west of the line in the middle of Chestnut street extended as aforesaid, shall be the first ward. So much of the City as lies between said line in the middle of Chestnut street, extended as aforesaid, and a similar line in the middle of Walnut street, extended as aforesaid, shall be the second ward, and so much of the City as lies north and east of the line in the middle of Walnut street, extended as aforesaid, shall be the third ward.

CHAPTER LXIII.

WEIGHTS AND MEASURES.

AN ORDINANCE in relation to Weights and Measures.

1. Weights and measures to be regulated. City to furnish standard.
2. Inspector to be appointed.
3. Inspector to keep register of all instruments inspected, of their correctness and the names of owners. To report to Council the names of all persons having incorrect measures, and to give copy of register to Recorder.
4. Must examine weights and measures at least once a year, to stamp correct and condemn incorrect measures, and to require the owner to correct them. Penalty for refusing to exhibit for inspection or interfering with duties of inspector.
5. Inspector must examine instruments where they are used. May direct where they are to be sent for repair and adjustment. Penalty.
6. Weights and measures not to be used until examined.
7. Fees of Inspector.
8. Owner to pay fees.
9. Can charge only for annual inspection, except.
10. Complaints, how made.

Be it ordained by the City Council of the City of Muscatine :

SECTION 1. That hereafter there shall be a regulation of weights and measures within the City, and the standard adopted by the State of Iowa shall be the test by which they shall be determined. The City Council, at the expense of the City, shall procure correct and approved standards, with their necessary sub-divisions, for the purpose of testing and proving the weights and measures of said standard used in the City.

SEC. 2. The City Council shall annually, on the first Wednesday of April, or at some regular meeting thereafter, appoint some competent person to be known as "Inspector of Weights and Measures," who shall hold his office for the term of one year from the time of his appointment, and until his successor is appointed and qualified.

SEC. 3. It shall be the duty of said inspector to make and keep a regular register of all weights and measures, scale beams, and steel-yards, or other instruments inspected by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the State. And it shall also be his duty to report to the City Council, the names of all persons whose weights, measures, scale beams, or steel-yards are incorrect, and to deliver a copy of his said register to the Recorder of the City.

SEC. 4. It shall be the duty of the inspector of weights and and measures, at least once a year, to examine and test the accuracy of all weights and measures, scales or other instruments or things used by any person for weighing or measuring any article for sale in said City of Muscatine ; to stamp with a suitable seal, all weights and measures and scales so used, which he may find correct, and deliver to the owner

thereof, a certificate of their accuracy, to condemn all weights, measures and scales which he may find incorrect upon such inspection, and to cause the owner thereof to have them corrected and made conformable to said standard in the manner hereinafter provided, and any person refusing to exhibit any measures or scales, or instruments for weighing or measuring to said inspector, for the purpose of examination or inspection, as aforesaid, or obstructing him in the performance of his duty, shall forfeit a penalty of not less than five dollars, nor more than twenty-five dollars, for each offense, recoverable before any Court having jurisdiction of the same within the City.

SEC. 5. It shall be the duty of said inspector of weights and measures to examine and put in good order, and seal all weights, measures, beams and scales at the several places where the same are used; but if they be found not conformable to the standard of the State, they shall be sent by the owner thereof to such place in the City as the inspector may direct, for the purpose of being repaired and adjusted, and the same shall be sealed within ten days after they have been tested and condemned, and any person offending against the provisions of this section shall, on conviction thereof, be fined in any sum not exceeding twenty-five dollars.

SEC. 6. No person shall make use of any weight, scale, measure, or any other instrument for weighing or measuring any article for sale in the City, until the same has been duly examined and sealed by the City Inspector of weights and measures, under a penalty of not less than five, nor more than twenty-five dollars, recoverable before any court of competent jurisdiction in this City. All persons using weights, measures, scales or other instruments for measuring or weighing any article for sale in this City, which have been sealed, shall, upon application of the Inspector of weights and measures, allow the same to be examined, tested and sealed as herein provided, under a penalty of not less than five nor more than twenty-five dollars for failing so to do, and any person or persons altering any weights, measures or scales, causing the same to weigh or measure incorrectly, shall, on conviction thereof, befined in any sum not exceeding one hundred dollars.

SEC. 7. The Inspector of weights and measures shall be allowed to receive the following fees for services rendered by him, under this ordinance, viz: For inspecting and sealing platform scales of five thousand pounds and upwards, including weights, one dollar; of less denominations, including weights, fifty cents each. For inspecting and sealing large beams, weighing one thousand pounds and upwards, includ-

ing weights, twenty-five cents; of smaller denominations fifteen cents. Counter scales, including weights, fifteen cents. For comparing and sealing any measures, bushels, ten cents; half bushels, five cents, less denominations, three cents. For comparing and sealing wine measures each three cents. For comparing, inspecting and sealing board and cloth measures each five cents; for inspecting and testing the several scales of the City for weighing of hay and coal one dollar each.

SEC. 8. The Inspector of weights and measures shall be entitled to charge and receive the fees as specified in this ordinance from the owner, and he shall, in every case where he may employ labor and material in making the same accurate, be entitled to receive a just compensation therefor.

SEC. 9. It shall not be lawful for the Inspector to make the aforesaid charges for inspecting and testing weights, measures and scales oftener than once a year, unless at the request of the owner, or if any person or persons shall complain of the inaccuracy of the scales, weights or measures, when he shall be entitled to his regular fee.

SEC. 10. Complaints to the City Inspector need not be in writing.

CHAPTER LXIV.

WEIGHERS, CITY.

AN ORDINANCE providing for the appointment of City Weighers and regulating their duties.

1. City Council shall appoint city weighers, who shall be sworn to perform their duties to the best of their ability.

2. When they shall attend. Amount to be charged. Shall keep an account of and give a certificate of all loads weighed by him. Standard of weights and measures to be kept in office.

3. Weigher must have weighed the wagon or vehicle within twelve hours, unless he has authority from the buyer not to do so. Rule in regard to driver.

4. Intent to defraud purchasers; how punished.

5. City weigher to provide himself with the facilities necessary for weighing live stock. Charge for weighing same.

6. Compensation of City Weigher. Shall receive none, and scales to be subject to examination.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. The City Council shall appoint two or more City Weighers, to hold their offices at the pleasure of the City Council of said City, who shall be sworn to perform the duties of such office to the best of their knowledge and ability, and in conformity with all the provisions of this ordinance.

SEC. 2. Such City weigher or weighers shall attend at all reasonable times to weigh any load which any person may desire to have weighed, and for every load net which he weighs he shall be entitled to charge ten cents, and he shall keep an

account of the weight of such load by him weighed, date of weighing, and name of person for whom weighed, and shall furnish to the person having such load weighed a certificate for each load, which certificate shall contain the gross and net weight of such load weighed by him, date of weighing, and name of person for whom weighed, and he shall compute the net weight into the other denominations according to the standard of weights and measures of the State of Iowa, and a table of standard weights and measures shall be posted at some conspicuous place in his office.

SEC. 3. No city weigher shall give a certificate for any load weighed by him without having weighed the empty wagon or vehicle within twelve hours before or twelve hours after such load was weighed, unless he has the written consent of the buyer of the load. It shall be the rule that the driver of all teams be off the wagon when weighed, and it shall be the duty of the city weigher to mark on the certificate any deviation from this rule.

SEC. 4. If any person, after having had a load or a part of a load weighed shall remove any portion of such load or part of a load, before delivery, with intent to defraud the purchaser such person shall be guilty of a misdemeanor and, on conviction thereof, shall pay a fine of not less than five dollars and costs, and not more than one hundred dollars and costs.

SEC. 5. Such city weigher shall provide himself with the facilities necessary for weighing live stock, and shall be entitled to charge for the weighing of hogs two cents per head, and for live cattle three cents per head; but in no case shall he be compelled to put up a rack for less than twenty-five cents per draught, nor weigh any draught for less than five cents.

SEC. 6. Such city weigher shall receive no compensation from the City for his services, and his scales shall at all times be subject to the examination of the legal inspector.

CHAPTER LXV.

WATER DISTRICT.

AN ORDINANCE defining the limits of the Water District in the City of Muscatine, and providing for the levy of a special tax on property therein.

1. Property within the district to be subject to a tax.
2. What shall constitute the water district.
3. Property not within the benefit and protection of the Water Works not taxable.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. All that part of the City of Muscatine laid out

in blocks bearing numbers as hereinafter designated and specified, shall be, and same is hereby declared to be the "Water District" in said City, and persons residing and property situated within said district shall be subject to the special tax authorized and required to be levied to pay to the City, water rents, etc., as provided by Section 475, Chapter 10, Title 4, Code of Iowa, 1873.

SEC. 2. The following blocks and parts of blocks shall compose said Water District, to-wit: Blocks number six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty-seven (27), twenty-eight, (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-eight (48), forty-nine (49), fifty (50), fifty-one (51), fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55), fifty-six (56), fifty-seven (57), fifty-eight, (58), sixty (60), sixty-one (61), seventy-two (72), seventy-three (73), seventy-four (74), seventy-five (75), seventy-six (76), seventy-seven (77), seventy-eight (78), seventy-nine (79), eighty (80), eighty-one (81), eighty-two (82), eighty-three (83), eighty-four (84), eighty-five (85), ninety-three (93), ninety-four (94), ninety-five (95), ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred (100), one hundred and one (101), one hundred and two (102), one hundred and three (103), one hundred and four (104), one hundred and five (105), one hundred and six (106), one hundred and seven (107), one hundredand fifteen (115), one hundred and sixteen (116),one hundred and seventeen (117),one hundred and eighteen (118), one hundred and nineteen (119), one hundred and twenty (120), one hundred and twenty-one (121), one hundred and twenty-two (122), one hundred and twenty-three (123), and lots one, two, three, four and five in block one hundred and forty-two (142); lots one, two, three, four and five in block one hundred and forty-three (143), lots one, two, three four and five in block one hundred and forty-four (144); lots one, two, three, four and five in block one hundred and forty-five (145); lots one, two, three, four and five in block one hundred and forty-six (146), lots one, two, three, four and five in block one hundred and forty-seven (147), lots one, two, three, four and five in block one hundred and forty-eight (148), lots one, two, three, four and five in block one hundred and forty-nine, (149), and lots one, two, three, four and five in block one hundred and fifty, (150), and including in said Water District, all property lying within the northerly line of Front street and Mississippi river, from Spruce to Spring streets.

SEC. 3. Taxable property within the City, not situated within said Water District, being deemed not to be within the limits of benefit or protection of the water works, shall not be subject to the tax mentioned in the preceeding sections.

CHAPTER LXVI.

WATER WORKS.

AN ORDINANCE to provide for a proper supply of water for use and protection from fire.

1. Exclusive franchise granted for a term of twenty-five years.
2. Right to use streets, &c., granted. Streets not to be unnecessarily obstructed. Streets to be repaired. City may repair if company fails and charge Company with expense.
3. Duty of Company upon its acceptance of the franchise granted by the ordinance Must make survey and plat. Pipes to be laid six feet below the surface of the ground. City to have free use of fire hydrants, in case of fire. Quantity of water to be kept in reservoir.
4. City to pay rent for use of fire hydrants.
5. Penalty for turning water on hydrants without authority.
6. Company authorized to enter upon the premises of any consumer of water furnished by it to examine pipes and fixtures, and prevent waste. May shut off water from private premises.
7. City to pass ordinances for the protection of water works, and to compel the company to perform its duties.
8. Rates to be charged for use of water.
9. When company may condemn private property, and in what manner.
10. Company may erect certain buildings on water front of said City.
11. Public square demised to the company. Purposes and conditions of such demise.
12. City reserves right to purchase the works of said company upon appraisement. Appraisers, how chosen. When City may declare franchise forfeited.
13. Company to file acceptance of ordinance within thirty days after its passage, if accepted. If acceptance be so filed, this ordinance to constitute a contract between the City and Company.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That there is hereby granted to J. A. Bishop, G. W. Dillaway, S. &. L. Cohn, W. W. Webster, W. S. Robertson, R. M. Burnett, Wm. C. Wier, R. Musser, R. M. Baker, J. T. Krehe, S. G. Stein, L. W. Olds, H. Funck, J. Rubelmann, and P. Stein, and their associates, who shall organize as a corporation under the laws of Iowa, under the name and style of the "Muscatine Water Works Company," and to their successors and assigns, the exclusive privilege for twenty-five (25) years, and an equal right thereafter with all others, of supplying the City of Muscatine with water to be taken from the Mississippi river, at such point or points as the company shall deem most expedient.

SEC. 2. That the said Muscatine Water Works Company, its successors and assigns, during said term of twenty-five years, shall have the right to use any street, avenue, lane, alley, square, sidewalk, wharf, landing, or river front, for the

purpose of laying down therein, and of altering, enlarging, maintaining and repairing pipes and other fixtures for conveyance and distribution of water to the City and its inhabitants. And in the performance of such work no unnecessary obstruction to the public, to travel or to business, shall be permitted by the City or the company. And the said company shall, as rapidly as practicable, repair the street or other place so used, and restore the same to as good condition as before such work was done. And in case the company shall neglect to make such repair and restoration within a reasonable time, and after being duly notified by the City, the City Council may cause such repair and restoration to be made at the expense of said company, and may recover such expense of the company in an ordinary action at law. And in case any person, right or property be injured by the negligence of said company, its agents or employes in the work in this section set forth, the company shall be liable therefor.

SEC. 3. The said company shall, upon its written acceptance of the franchise by this ordinance granted, proceed to make suitable arrangements for carrying out the purposes thereof; and to that end, shall within a reasonable time, make a topographical survey and plat of that part of the City of Muscatine wherein the first two miles of main pipe shall be laid, to-wit: Second and Fifth streets, between Locust and Oak streets, including necessary connections, and connections with pumping works and reservoir, with such variations from the line of either or any of said streets, as the nature of the ground may render expedient. And the said survey and plat shall show the proposed location of the pumping works and reservoir, and the mains connecting therewith; the size of the main pipes; where fire hydrants are to be located; and the number and location of all stop cocks for shutting off the water in the mains; and the said plat shall be filed with the City Recorder. And in case of every extension of, or addition to said street mains, the location and size thereof shall be designated upon said plat by the company, or a new plat filed, as the case may require.

And the said company shall, by the first day of July, A. D., 1876, lay down at least two miles of such main pipe, and the said pipe and all future extension thereof, shall be of sufficient capacity to deliver the requisite amount of water for domestic use and fire protection, and shall be so laid as to give a continuous circuit to the flow of water throughout the entire system of main pipes. And said pipes shall be laid below the reach of frost, to a depth of at least six feet from the surface of the ground to the bottom of the trenches.

And there shall be located at each street crossing on and along said two miles of main pipe, one double discharge fire hydrant, for the use of the City for fire protection, and the said City shall at all times have the free and unobstructed use for fire purposes, of the said fire hydrants; and the said City, its proper officers and employes, shall have the right at all times, for the purpose of extinguishing fires, to take water from said fire hydrants without charge therefor to the City, save and except the annual rental hereinafter and by this ordinance agreed, stipulated and provided to be paid by said City.

And after the construction of its reservoir, said company shall at all times keep at least five hundred thousand gallons of water in the reservoir, and in case of fire shall get up steam as soon as possible for the purpose of re-enforcing said supply of water; and the reservoir and the main pipes laid in distribution, shall have a capacity to throw at least four streams of water simultaneously from one inch nozzles, to a height of one hundred feet, at such points on the line as shall be deemed feasible by the City and the company.

SEC. 4. And be it further ordained, that in consideration of the use of said fire hydrants, on the said two miles of main pipe and the water therefrom, as in the preceding section set forth, and as an annual rental therefor and payment for such use and right of use, the said City of Muscatine shall, and will in each and every year during the life of the franchise by this ordinance granted, pay unto the said Muscatine Water Works Company, the sum of four thousand dollars, in equal quarter-yearly installments, payable to the Treasurer of said company on the first Monday in March, June, September and December of each year.

And the said rental shall commence and take effect as soon as said hydrants are ready for use, and the said company complies with the provisions of this ordinance.

And for every additional fire hydrant put in by said company with the consent of said City, by vote or resolution of the City Council, previously expressed, upon any extension of or addition to said two miles of main pipe, or elsewhere, and provided the same be requested by the property holders interested, the said City shall pay unto said company an annual rental of seventy-five dollars, payable quarter-yearly, as aforesaid; the City to have the same use of such additional fire hydrant or hydrants as of those on the first two miles above specified.

SEC. 5. Any person who shall, without authority of said company, turn water on the fire hydrants, or any of them, except by order of the City, its officers or employes, for the

purpose of extinguishing fire shall be deemed guilty of misdemeanor and on conviction thereof, shall be fined not less than ten nor more than twenty-five dollars, or, at the discretion of the Court, be imprisoned not less than five nor more than thirty days.

SEC. 6. Said company, or its properly authorized agents or employes, shall have the right at any reasonable time to enter upon the premises of any consumer of water furnished by said company, for the purpose of examining the condition of the pipes and fixtures of such consumer and preventing waste of water. And in case any consumer shall fail to repair defects in his pipes or fixtures, or shall waste said water, or suffer the same to be done, the company shall have the right to shut off the water from the premises of such consumer until such repairs are made, or satisfactory assurance given that the water shall be properly used.

And the company shall have the right to shut off the water from the pipes for a reasonable time for the purpose of making necessary repairs, or the putting down of extension pipes.

SEC. 7. The City Council of said City shall, during the life of said franchise, pass all ordinances, penal, or otherwise, that may be necessary to carry out the provisions of this ordinance; to protect the rights and interests of said company; to preserve the purity of the water from whence the supply is taken, and to compel the said company to perform its duties and obligations as contained and set forth in this ordinance.

SEC. 8. The rates to be charged by said company for water furnished to consumers, shall not exceed the average rates charged by or in the cities of Clinton, Iowa; Davenport, Iowa; and Des Moines, Iowa.

SEC. 9. The said City of Muscatine hereby grants to and confers upon the said Muscatine Water Works Company, all the rights, powers and privileges possessed, or that might be possessed or exercised by said City under the laws of Iowa, to condemn private property for the purpose of constructing said Water Works and reservoir thereon, and of maintaining and operating the same.

And the said company is authorized to make such condemnation of private property, for the purposes aforesaid, in the manner and with the effect provided by law.

SEC. 10. And there is hereby granted unto said company the right to build, construct and maintain its pumping works and necessary buildings and other structures in connection therewith, at such point on the river front of said City, as may be deemed best suited for the purpose; such point to be so located as to avoid interference with the rights of the pub-

lic so far as possible, and consistently with the safety and importance of said works.

Provided, that such pumping works and structures shall not be located upon the river front or levee, between Chestnut Street and Iowa Avenue, inclusive of said streets.

SEC. 11. And be it further ordained that there is hereby let and demised unto the said Water Works Company, for the said term of twenty-five years, the open space of ground between blocks 49, 50, 83 and 84, known and designated on the City map as the "Public Square," for the purpose of improving, beautifying and adorning the same; and with the privilege of constructing and maintaining thereon, a reservoir, having a capacity of one million gallons. And the said company shall at all times save and hold the City free, clear and harmless of, and from all loss, cost or expense or damage by reason of the grant in this section contained. And in consideration of said grant and lease, and provided the said company shall construct such reservoir upon said ground, the said company shall and must at once proceed to adorn and improve the remaining portions of said ground, so far as the nature of said ground will permit, by planting trees thereon, and making the streets through the same in good order, and providing convenient footpaths, and shall at all times keep the said ground and the works and improvements thereon in good order and condition.

SEC. 12. That in consideration of the rights and privileges herein granted unto said company, the City hereby reserves the right, at the expiration of five, ten or fifteen years from the date of the passage of this ordinance, to take from the company the entire works, together with its franchise and privileges, at a valuation then to be agreed upon, in the following manner, to-wit: The City shall give the company one year's notice, in writing, of its intention to take the works as aforesaid; and the City shall thereupon appoint two appraisers, and the company shall appoint two appraisers, and the four appraisers so chosen shall choose a fifth, and said five appraisers shall proceed to value all the franchises, buildings, machinery, fixtures and materials then on hand belonging to said company, and upon the payment by said City to the company of the amount of such valuation, the company shall at once deliver to the City all of said property; a finding and valuation by a majority of the appraisers shall be binding on both parties.

And it is hereby further provided, that in case the four appraisers chosen as aforesaid, shall refuse or neglect, for thirty days after their appointment, to select a fifth, then, and in that

case, either party may apply to the Judge of the District Court of this Judicial District, who shall, upon such application, appoint the fifth appraiser; and it is also provided that a failure on the part of the company, for thirty days, to select the two appraisers as hereinbefore provided, shall authorize the City to apply to the said Judge, who shall thereupon appoint said two appraisers, as is provided of the fifth appraiser.

And it is further understood and provided, that any disagreement between the City and the company shall be settled by arbitration, each party selecting one, and the two selected shall select a third, and the decision of said three arbitrators shall be final and conclusive between the parties. But nothing in this section contained shall affect the rights reserved to the City in section two of this ordinance, to institute actions for the causes in said last mentioned section set forth.

And the City further reserves the right to declare the franchise granted by this ordinance forfeited, in case the Company shall unreasonably neglect or refuse to fulfill and perform the conditions by this ordinance imposed upon it.

SEC. 13. A failure on the part of said company for sixty days from and after the passage of this ordinance, to file in the office of the City Recorder a written acceptance of the franchise hereby granted, shall subject such franchise to forfeiture. But if such acceptance be filed, then this ordinance shall constitute and be construed as a contract between the said City of Muscatine and the said Muscatine Water Works Company, and the same shall not be subject to amendment or appeal without the consent of both said parties.

CHAPTER LXVII.

WATER WORKS.

AN ORDINANCE providing for the Management and Protection of the Property and Rights of the Muscatine Water Works Company.

1. The Company to attach service pipes to street mains when proper application is made therefor. No other person allowed to connect such pipes to the mains.
2. Persons using water to keep the hydrants in repair.
3. No person allowed to hitch an animal to any hydrant, or break, or deface any property belonging to said company.
4. Offal or other filthy matter not to be placed in the reservoir of said company, or in the Mississippi river within the City limits.
5. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That it shall be the duty of the Muscatine Water Works company to attach service pipes to the street

mains whenever proper application is made therefor, the expense of such attachment to be paid by the applicant, and no plumber, pipe-fitter or other person shall, without the written consent of said company, or its proper managing agent, bore or drill into the mains or other pipes of the company for the purpose of attaching or connecting service pipes therewith, nor permit anyone in his or their employ so to do.

SEC. 2. All persons using water supplied by said company shall keep the hydrants, taps, hose, water closets, urinals, baths or other fixtures allotted to their use, in good repair, and shall keep the same closed, except when obtaining water for use, and shall be responsible for any damage that may result to others from the improper use or waste of said water, and in addition thereto be subject to the penalty hereinafter provided.

SEC. 3. Any person who shall hitch any horse or other animal to any hydrant, or who shall in any way, intentionally or carelessly break, deface or in any manner injure or destroy any hydrant or other property belonging to said Water Works Company, or belonging to others, and used in connection with the Water Works, shall be liable for all damage done and and subject to the penalty hereinafter provided.

SEC. 4. It shall be unlawful for any person to throw, place or deposit any substance or thing of whatever nature in any reservoir that may be built, owned or controlled by said company or used in connection with said water works, or to deposit any carcass, carrion, offal from slaughter houses, or other offensive, poisonous, filthy or decaying matter, or substance upon the ice or in the water of the Mississippi river, or any creek tributary thereto, at any point above the Chicago, Rock Island and Pacific Railroad Depot within the limits of the City of Muscatine.

SEC. 5. Any person who shall do or perform any act or thing prohibited by this ordinance, or by its terms declared unlawful, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding one hnndred dollars, and be required to pay costs of prosecution.

CHAPTER LXVIII.

WHARVES AND WHARFAGE.

AN ORDINANCE relating to Wharves and Wharfage.

1. Defining wharf and City to be paid for the use of the same. Wharf to be kept free from all obstructions.

2. No keel boat, barge or lighter shall be tied at said wharf in such manner as to obstruct the landing of steamboats, and rafts or lumber not permitted to land at all. Ferry boat to have use of part designated.

3. Violation of preceding sections to be punished by fine, and parties liable for any damages occurring,

4. Amount to be charged and paid by each steamboat landing at the wharf. Charges for boats making more than three landings per week.

5. Any master of steamboat refusing to pay wharf charges to forfeit thirty dollars to use of the City.

6. No one allowed to keep a wharf, trading or fishing boat, without permission from the City. Penalty for refusing to remove the same.

7. No one allowed to obstruct landing. Expense of removal of any obstruction to be sustained by owner of such obstruction.

8. Duty of wharfmaster to see that this ordinance is complied with and report to City Council each month the amount of money collected, and to supply necessaries for the landing of boats.

9. Wharfmaster to give bond. Compensation. Money to be paid to City Treasurer.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That that portion of the bank or shore of the Mississippi river, lying between Iowa Avenue and Pine street, including the full width of said streets, is hereby declared to be an improved wharf or levee, and all steamboats or other vessels landing at or using such wharf shall pay to the City, for such use, the fees hereinafter named as a compensation for the expenditures incurred in constructing, improving and repairing said wharf and levee, and such wharf and levee shall be kept free from obstructions except articles deposited in the receipt and discharge of freight from boats and vessels paying wharfage, and such articles shall only remain a reasonable time, to be determined by the wharfmaster.

SEC. 2. No keel boat, barge or lighter shall be permitted to be tied at said wharf in such manner as to obstruct the landing of steamboats, and no raft of lumber, logs or other material shall, under any pretext, be permitted to land at said wharf. *Provided* that the ferry boat shall be allowed a reasonable use of such part of said wharf as lies in front of lot five in block eleven and the river end of Iowa avenue.

SEC. 4. A wharfage of two dollars and fifty cents shall be charged for and paid by each steambort landing at and using the steamboat wharf of said City for each and every landing so made ; *provided*, that all boats that make at least three landings or more per week shall be charged one dollar and fifty cents, and boats making more than three landings per week one dollar for each and every time said boats land at and use the steamboat wharf of said City. That tow boats belonging to persons residing in the City, and towing wood or coal and

other crafts of burden, shall pay one dollar for each and every time they land at and use said City steamboat wharf.

SEC. 5. The owner, master or clerk of any steamboat or other craft, subject to the payment of wharfage, refusing to pay the above wharfage on the request of the wharfmaster, or intentionally avoiding such payment shall forfeit to the use of said City a sum not exceeding thirty dollars.

SEC. 6. No person shall keep a wharf boat or trading boat or boat for selling and catching fish, commonly known as fish-boat, at the river landings in the City except by special permit of the City Council; and the owner or keeper of any such boat laying to without such permit, refusing to remove the same, on notice to that effect by the wharfmaster, shall forfeit to the use of the City, five dollars a day for each day it remains after such notice is given.

SEC. 7. No person shall be allowed to obstruct the landing anywhere within the City limits, by rafts, wood or coal boats or other craft laying to, or wood corded for sale, or lumber piled for shipment, beyond a reasonable length of time; and if the obstruction is not removed in a reasonable length of time after notice given by the wharfmaster, the wharfmaster shall proceed to remove the same and charge the expense of said removal to the respective owners of the property so removed.

SEC. 8. It is hereby made the duty of the wharfmaster to see that the provisions of this ordinance are strictly complied with and report to the City Council at the end of each month the whole amount of money collected for the month specifying the boats or other crafts from which said moneys are collected, and it shall be the duty of the wharfmaster to have all necessary posts and rings for securing boats to the wharf placed and kept at the proper points, the expense thereof to be paid from wharfage receipts.

SEC. 9. The wharfmaster shall give a bond with sureties, in the penal sum of one thousand dollars, for the faithful performance of his duties and shall be entitled to retain six per cent. of all funds collected by him, which shall be his compensation in full, paying over the balance at the end of each month to the City Treasurer.

CHAPTER LXIX.

STREETS AND ALLEYS.

AN ORDINANCE in relation to Sidewalks.

1. Permanent and temporary sidewalks.
2. What deemed permanent; what deemed temporary.
3. How permanent sidewalks shall be constructed and of what material.
4. Council may order sidewalks to be constructed, when. What order shall contain. Notice to be given. Duty of owner.
5. Duty of Mayor in case owner should refuse or fail to construct any sidewalk ordered. Contract for work. What it must provide.
6. Cost of work paid out of road fund. To be assessed and to constitute a special tax.
7. Width of temporary sidewalks.
8. Council may order temporary sidewalk to be laid.
9. When Council may direct the construction of temporary sidewalks. Expense of Paid out of road fund. Cost to be levied as as a special tax.
10. Duty of owner in regard to sidewalk.
11. Assessments made against lots; how collected. Marshal to make return. Unpaid assessments to constitute a tax.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That all sidewalks now constructed, or hereafter to be constructed in the City of Muscatine shall be divided into two classes, to be known and designated as permanent sidewalks and temporary sidewalks.

SEC. 2. All sidewalks already constructed upon any street or part of street, in conformity with the established grade thereof, not less than ten feet wide, shall be designated and be deemed to be permanent sidewalks; and all sidewalks already constructed upon any street or part of street, whether in conformity with the established grade or not, of a less width than ten feet, shall be designated and be deemed temporary sidewalks.

SEC. 3. Permanent sidewalks, hereafter to be constructed, shall be of brick, stone or plank, ten feet wide; (except on Iowa Avenue, where they shall be twelve feet wide); if of plank, the same shall not be less than two inches in thickness, laid at right angles with the street on sleepers not less than four inches thick and securely nailed with spikes. The outer edges of the sidewalks shall be on a level with the center grade of the street and rise one-half an inch to the foot up to the line of the lot.

SEC. 4. Whenever a street or portion thereof shall have been graded the City Council may, on being presented with a written petition signed by a number of the owners of property abutting on or lying along said street, or part thereof, equal to a majority of the resident owners of such property, or in the absence of such petition, by a vote of three-fourths

of the whole number of members of said Council, order permanent sidewalks to be constructed along such street or portion thereof, and shall by such order designate the width of such sidewalks and the material of which they shall be constructed. Written or printed notices of such order shall be given by the City Marshal to such owner or owners or their agents, if they be residents of the City, by serving the same in person, or by leaving them a copy at their usual place of residence; and in case of non-resident owners, having no known agents in the City, such notice shall be given by publication for one week in some newspaper of the City, and thereupon it shall be the duty of each owner of any lot or piece of ground abutting on or lying along said street or part of street, to construct the sidewalk in front of said lot or piece of ground, in conformity with the directions of such order and the provisions of this ordinance, within ten days after such notice shall have been given.

SEC. 5. In case any of such owners shall fail or neglect to construct the sidewalk, as provided in the preceding sections, within the time therein limited, it shall be the duty of the Mayor to advertise in some newspaper of the City, for two weeks, if published in a weekly and one week if published in a daily paper, for bids for the construction of such sidewalks so omitted to be constructed by said owners, in conformity to the order of the Council directing their construction and to this ordinance. Such bids when received, shall be reported by the Mayor to the Council, who may in their discretion award the contract for such construction, to the lowest bidder, or may reject all bids and direct new bids to be received. All contracts awarded for such work shall be in writing, and shall be accompanied by the bond of the contractor in such penalty and with such surety as the Mayor shall deem sufficient for the faithful performance of the work contracted for. Such contract shall provide that the work shall be done under the supervision and to the acceptance of the Street Commissioner or such committee as the Council may appoint.

SEC. 6. The cost of the work done under such contracts shall be paid to the contractor out of the general road fund and reported to the City Assessor with a list of the lots or pieces of ground along which said sidewalks shall have been so constructed, and the Assessor shall then assess the whole amount of such expense, including that of advertisement and all expenses incident to the work, upon the several lots or pieces o

land, and the owners thereof, in proportion to the number of front feet of each lot in front of which said sidewalk shall have been laid; and the amount so proportioned to each lot and owner thereof shall constitute a special tax against such lot and owner, and the same with all interest, penalties, and costs accruing thereon, shall be a lien upon the lot until paid.

SEC. 7. Temporary sidewalks shall not be less than four feet wide, constructed of plank not less than two inches thick resting on sleepers not less than four inches thick, and may be laid either at right angles to or parallel with the streets.

SEC. 8. The City Council may at any time, order and direct the owner or owners of any lot or piece of ground, along which a permanent sidewalk has not been laid, whether the street on which the same abuts has been brought to grade or not, to lay down a temporary sidewalk.

SEC. 9. If any such owner shall fail to construct said temporary sidewalk, when ordered by the Council, or to repair such sidewalk, whether permanent or temporary, within ten days after notice to such owner, or the agent thereof, given by the City Marshal, or if such cannot be found, then by posting the notice on said lot or lots, and after the return thereof to the City Council by the Marshal, the Council may direct the construction or repair of any such sidewalks at the expense of the City ; *provided*, that the expense of constructing or repairing temporary sidewalks shall not exceed forty cents per linear foot. Said expenses shall be reported to the City Council, and shall be paid out of the general road fund, and the amount thereof shall be levied as a tax against said lot or lots and reported to the City Assessor, who shall assess the same against the owner of said lot or lots according to the number of front feet of each lot, and said assessment with all interest, penalties and costs accruing thereon shall be a lien upon the lots so assessed from the time such assessment is made.

SEC. 10. It shall be the duty of every owner of a lot or piece of ground, fronting on any street, to keep and maintain in repair the sidewalk, whether permanent or temporary, which is or shall be laid along said street in front of said lot or piece of ground.

SEC. 11. All the assessments hereinbefore provided for, whether for constructing or repairing permanent or temporary sidewalks, shall be returned, when made, to the City Recorder, who shall thereupon make out bills of receipt for

the amount of said assessment against the owners of the lots so charged, and shall deliver the same to the Marshal for collection. It shall be the duty of the Marshal forthwith to demand and collect the same, adding to the amount of said bills five per cent. for his fees, and make return of money collected to the City Treasurer, and to return the bills uncollected to the City Recorder within twenty days from the time he first received them, accompanied by a certificate to the effect that he has presented the said bill to the person or persons charged or to his or their legal agents, and demanded payment thereof and that such payment has not been made, or that such owner or agent could not be found so as to present the bill to them. And all such assessments so uncollected shall then be placed on the City tax list, with a penalty of twenty per cent. added thereto, and shall be returned and collected as other special taxes with like interest and costs.

APPENDIX.

MISCELLANEOUS PROVISIONS OF THE CODE OF 1873 APPLICABLE TO CITIES ACTING UNDER SPECIAL CHARTERS.

PART OF CHAPTER 10 OF TITLE 4, OF THE CODE, CONFERRING CERTAIN POWERS, AND IMPOSING CERTAIN DUTIES ON CITIES ACTING UNDER SPECIAL CHARTERS.

1. Council have power to grade and repair streets and alleys; construct sewers. No street to be graded except by affirmative vote of two-thirds of the Council. (Code 465.)

2. To construct sidewalks, or improve alleys or highways. Levy tax on adjacent property to pay for such improvements. (Code 466.)

3. Repairing permanent sidewalks, and expense of same. (Code 467.)

4, Laying temporary sidewalks and costs of same. (Code 468.)

5. Changing grade of streets after improvements are made. Damages allowed, and manner of assessing. Appeal, how and when taken. (Code 469.)

6. Purchasing or condemning lands for public purposes; power to improve and control the same. (Code 470.)

7. Water Works. Power to erect. (Code 471.)

8. Extent of jurisdiction &c. (Code 472.)

9. May grant to individuals and corporations right to build works. Terms of franchise. Water rates, how agreed upon. (Code 473.)

10. May condemn private property. (Code 474.)

11. May assess water rates and levy a special tax. (Code 475.)

12. Manner of condemning private property for public use; under this chapter application to be made to the Circuit Court, &c. (Code 476.)

13. Damages to be paid or deposited. Possession, when to be taken. Costs, how paid. Delays how avoided. (Code 477.)

14. Charges on lots, how assessed and enforced. May be by suit. (Code 478.)

15. Court trying cause to disregard informalities. Interest and penalty allowed in certain cases. The foregoing sections made applicable to special charters. (Code 479.)

SECTION 1. They shall have power to provide for the grading and repairs of any street, avenue or alley, and the construction of sewers, and shall defray the expenses of the same out of the general funds of such City or Town, but no street shall be graded except the same be ordered to be done by the affirmative vote of two-thirds of the City Council or Trustees.*

*As to improvement of alleys see chapter 51, Laws 1874, *post* section 12, chapter 116 of Acts of 1876.

SEC. 2. They shall have power to construct sidewalks, to curb, pave, gravel, macadamize and gutter any highway or alley therein, and to levy a special tax on the lots and parcels of land fronting on such highway or alley to pay the expense of such improvement. But unless a majority of the resident owners of the property subject to assessment for such improvement petition the Council or Trustees to make the same such improvements shall not be made until three-fourths of all the members of such Council or Trustees shall, by vote, assent to the making of the same.

SEC. 3. They shall have power to repair permanent sidewalks, and to assess the expense thereof on the property in front of which such repairs are made.

SEC. 4. They shall have power to provide for the laying of temporary plank sidewalks upon the natural surface of the ground, without regard to grade, on streets not permanently improved, at a cost not exceeding forty cents a lineal foot, and to provide for the assessment of the cost thereof on the property in front of which the same shall be laid.

SEC. 5. When any City or town shall have established the grade of any street or alley, and any person shall have built or made any improvements on such street or alley according to the established grade thereof, and such City or Town shall alter said established grade in such manner as to injure or diminish the value of said property, said City or Town shall pay to the owner or owners of said property so injured the amount of such damage or injury, which shall be assessed by three persons, one of whom shall be appointed by the Mayor of such City or Town, one by the owner of the property, and one by the two so appointed, or in case of their disagreement, by Mayor and owner, or in case of their disagreement, by the City Council or Town Trustees. If the owner of such property shall fail to appoint one such appraiser in ten days from the time of receiving notice so to do, then the City Council or Town Trustees shall appoint all such appraisers and no such alteration of grade shall be made until said damages so assessed shall have been paid or tendered to the owner of the property so injured or damaged. The appraisers shall be sworn to faithfully execute their duties according to the best of their ability. Before entering upon their duties, they shall give notice by publication for three weeks in one or more newspapers printed in such City, of the time and place of their meeting for the purpose of viewing the premises and making their assessment. They shall view the premises, and, in their discretion, receive any legal evidence and may adjourn from day to day. When the appraisement shall be com-

pleted, the appraisers shall sign and return the same to the City Council or Town Trustees within thirty days of their appointment. The City Council, or Town Trustees shall have power, in their discretion, to conform or annul the appraisement, and if annulled, all the proceedings shall be void, but if confirmed, an order of the confirmation shall be entered. Any person interested may appeal from the order of confirmation to the Circuit Court of the County in which such City or Town is situated, by notice in writing to the Mayor at any time before the expiration of twenty days after the entering the order of confirmation. Upon the trial of the appeal, all questions involved in the proceedings, including the amount of damages, shall be open to investigation, and the burden of proof shall, in all cases, be upon the City or Town to show that the proceedings are in conformity with this section. The cost of any proceedings incurred prior to the order of such City Council or Board of Trustees confirming or annulling the appraisement, shall in all cases be paid by such City or Town.

SEC. 6. They shall have power to purchase or condemn, and pay for, out of the general fund, and enter upon and take any lands within or without the territorial limits of such City or Town for the use of public squares, streets, parks, commons, cemeteries, hospital grounds, or any other proper and legitimate municipal use, and to enclose, ornament and improve the same. They shall have entire control of the same, and shall have power, in case such lands are deemed unsuitable or insufficient for the purpose for which they were originally granted, to dispose of and convey the same ; and conveyances executed in accordance with this chapter shall be held to extinguish all rights and claims of any such Town or City to such lands existing prior to such conveyance. But when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

SEC. 7. They shall have power to erect water works, or to authorize the erection of the same; but no such works shall be erected or authorized until a majority of the voters of the City or Town at a general or special election, or four-fifths of the members of the Council or Board of Trustees thereof, by vote, approve the same.

SEC. 8. They shall have power to construct or authorize the construction of such works without their limits, and for the purpose of maintaining and protecting the same from injury, and the water from pollution, their jurisdiction shall extend over the territory occupied by such works, and all reservoirs, streams, trenches, pipes and drains, used in, and neces-

sary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken for five miles above the point from which it is taken ; and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

SEC. 9. When the right to build and operate such works is granted to private individuals or incorporated companies by said Cities and Towns, they may make such grant to inure for a term of not more than twenty-five years, and authorize such inviduals or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between said person or corporation so building said works and said City or Town ; and such Cities or Towns are authorized and empowered to enter into a contract with the individual or company constructing said works, to supply said City or Town with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

SEC. 10. Said Cities or Towns are hereby authorized to condemn and appropriate so much private property as shall be necessary for the construction and operation of said water works ; and when they shall authorize the construction and operation thereof by individuals or corporations, they may confer by ordinance, upon such person or corporation the said power to take and appropriate private property for said purpose.

SEC. 11. All Cities and incorporated Towns constructing such works, are authorized to assess from time to time, in such manner as they shall deem equitable, upon each tenement or other place supplied with water, such water rents as may be agreed upon; and at the regular time of levying taxes in each year, said City or Town is hereby empowered to levy and cause to be collected, in addition to the taxes now authorized to be levied, a special tax on taxable property in said City or Town, which tax, with the water rents hereby authorized, shall be sufficient to pay the expenses of running and operating such works, and if the right to build, maintain and operate such works is granted to private individuals or incorporated companies by such Cities or Towns, and said Cities or Towns shall contract with said individuals or companies for a supply of water for any purpose, such City or Town shall levy each year, and cause to be collected, a special tax as provided for above, sufficient to pay off such water rents so agreed to be paid to said individual or company constructing said works ; *provided*, however, that said tax shall not exceed the sum of

five mills on the dollar for any one year, nor shall the same be levied upon the taxable property of said City or Town which lies wholly without the limits of the benefit or protection of such works, which limit shall be fixed by the City Council or Board of Trustees each year before making such levy.

SEC. 12. When it shall be deemed necessary by any such corporation to enter upon or take private property for any of the above uses, an application in writing shall be made to the Circuit Court, which application shall describe as nearly as may be, the property to be taken, the object proposed, and the owners of the property and of each lot or parcel thereof known, and notice of the filing thereof shall be given as is required to commence a civil action in said Court. After such notice shall have been given the Court shall proceed to determine the compensation to be paid for the taking of such property, and for that purpose shall empanel a jury, and the mode of proceedure therein shall be the same, so far as applicable, as in action by ordinary proceedings. The assessment shall be made so that the amount payable to each owner may be ascertained either by allotting it to each owner by name or on each lot or parcel of land, and the inquiry and assessment shall in other respects be made by the jurors under such instructions as shall be given by the Court. The jurors shall be sworn to make the whole inquiry and assessment, but may be allowed to return a verdict as to part and be discharged as to the rest in the discretion of the Court, and in case they shall be discharged from rendering a verdict in whole or in part, another jury may be empaneled at the earliest convenient time, which shall make the whole inquiry and assessment, or the part not made as the case may be.

SEC. 13. When the amount of compensation due to any of the owners of property to be taken shall be ascertained, the Court shall make such order as to its payment or deposit as may be deemed just and proper, and may require adverse claimants to any part of money or property to interplead, so as to fully settle their rights and interests, and may direct the time and manner in which possession of the property shall be taken or delivered, and may, if necessary, enforce an order giving possession. But none of the property shall be actually taken or occupied until the compensation thus ascertained shall have been paid or secured to be paid. The costs occasioned by the inquiry and assessment shall be paid by the corporation, and as to the other costs which may arise, they shall be charged or taxed as the Court in its discretion may direct ; no delay in making an assessment of compensation, or in taking possession, shall be occasioned by any doubt

which may arise as to the ownership of the property or any part thereof, or as to the interest of the respective owners ; but in such cases the Court shall require the deposit of the money allowed as compensation for the whole of the property, or the part in dispute; and in all cases as soon as the corporation shall have paid the compensation assessed; or secured its payment by a deposit of money under the order of the Court, possession of the property may be taken and the public work or improvement progress.

SEC. 14. Each municipal corporation may, by a general ordinance, prescribe the mode in which the charge on the respective owners of lots or lands, and on the lots or lands, shall be assessed and determined for the purposes authorized by this chapter; such charge when assessed, shall be payable by the owner or owners at the time of the assessment personally, and shall also be a lien upon the respective lots or parcels of land from the time of the assessment. Such charge may be collected and such lien enforced by a proceeding in law or equity, either in the name of such corporation, or of any person to whom it shall have directed payment to be made. In any such proceedings, where pleadings are required, it shall be sufficient to declare generally for work and labor done and materials furnished on the particular street, alley or highway. Proceedings may be instituted against all the owners or any of them, to enforce the lien against all the lots or land, or each lot or parcel, or any number of them embraced in any one assessment, but the judgment or decree shall be rendered separately for the amount properly chargeable to each. Any proceedings may be severed in the discretion of the Court for the purpose of trial, review or appeal.

SEC. 15. In any such proceeding, where the Court trying the same shall be satisfied that the work has been done, or materials furnished which, according to the true intent of the act, would be properly chargeable upon the lot or land through or by which the street, alley or hfghway improved, repaired or lighted may pass, a recovery shall be permitted, or a charge enforced, to the extent of the proper proportion of the value of the work or materials which would be chargeable on such lot or land, notwithstanding any informality, irregularity or defect in any such municipal corporation or any of its officers. But in such case the Court may adjudge as to costs as may be deemed proper, and in cases where an assessment shall have been regularly made, and payment shall have been neglected or refused at the time when the same was required, any municipal corporation may be entitled to demand and recover in addition to the amount assessed and interest thereon at ten per cent. from the time of the assessment, five per cent.

to defray the expenses of collection, which shall be included in any judgment or decree which may be rendered. The provisions and powers conferred in this chapter from section four hundred and sixty-five to section four hundred and seventy-nine, inclusive, shall apply to Cities acting under special charters.

PART OF CHAPTER 10, OF TITLE 4, OF THE CODE, DIRECTING THE MANNER OF AMENDING SPECIAL CHARTERS.

1. On petition of one-fourth of the electors of a City governed by a special charter, asking an amendment to such charter such amendment must be submitted at next charter election. Mayor to issue proclamation. Form of the ballots. Code 548.

2. Amendment carried if majority vote in favor of it. Code 549.

3. Amendment may be submitted at special election on petition of one-half of the electors. Code 550.

4. Prior laws repealed so far as Cities under general incorporation laws are concerned, but Cities acting under special charter not affected thereby. Code 551.

SECTION 1. On the presentation of a petition signed by one-fourth of the electors, as shown by the vote at the next preceding charter election of any City or Town acting under a special charter or act of incorporation, to the governing body thereof, asking that the question of amendment of such spe-special charter or act of incorporation be submitted to the electors of such City or Town, such governing body shall immediately propose sections amendatory of said charter or act of incorporation, and submit the same as requested, at the first ensuing charter election. At least ten days before such election the Mayor of such City or Town shall issue his proclamation setting forth the nature and character of such amendment, and shall cause the same to be published in a newspaper published therein; or if there be none, he shall cause the same to be posted in five public places in such City or Town. On the day specified the amendment shall be submitted to the electors thereof for adoption or rejection, and the form of the ballots shall be "for the amendment," or "against the amendment."

SEC. 2. If a majority of the votes cast is in favor of said amendment, the Mayor or chief officer shall issue his proclamation accordingly; and the said amendment shall thereafter constitute a part of said charter.

SEC. 3. The legislative body of said City or Town, may submit any amendment to the vote of the people as aforesaid at any special election; *provided*, one-half of the electors as

aforesaid petition for that purpose and the proceedings shall be the same as at the general election.

SEC. 4. All acts and parts of acts passed subsequent to the fourth day of July, A. D. 1858, and prior to the taking effect of this Code, relating to cities of the first and second class, and incorporated towns or to any or either of said classes of municipal corporations as are acting under special charter, and to such as are incorporated under the general act of which this chapter is an amendment, are repealed by the Code only so far as they affect the latter, and not as they affect corporations under special charters. All rights, powers, privileges, duties, directions and provisions whatever contained in and enacted by such acts and parts of acts, shall remain in full force and effect so far as municipal corporations acting under special charters are concerned, and the provisions of this chapter shall not apply to any city or town incorporated prior to the eighteenth day of July, A. D. 1858, unless the same be adopted as hereinbefore provided.

PART OF CHAPTER 10, OF TITLE 4, OF THE CODE ENABLING CITIES UNDER SPECIAL CHARTERS TO ABANDON THE SAME AND ORGANIZE UNDER THE GENERAL INCORPORATION LAW.

1. Cities may abandon special charters and organize under provisions of chapter 10 on general incorporation of Cities and Towns. Code 434.

2. On petition of fifty legal voters, election to be so ordered. Code 435.

3. Proclamation of Mayor giving notice of time and places of election. Code 436.

4. Manner of voting. What words to be on the ballots. How election shall be conducted. Result. Code 437.

5. If result be in favor of abandonment, Council to call a special election for election of officers. If result be opposed to abandonment one year must elapse before it can be resubmitted. Code 438.

6. Vested rights not affected. Code 439.

SECTION 1. Any city or town incorporated by special charter or in any other manner than that provided by this chapter, may abandon its charter and organize itself under the provisions of this chapter with the same territorial limits, by pursuing the course hereinafter prescribed.

SEC. 2. Upon the petition of fifty legal voters in any such city or town to the council or trustees thereof, praying that the question of abandoning its charter be submitted to the legal voters, the Council or Trustees shall immediately direct a special election to be held, at which such question shall be decided, specifying at the same time, the time and place of holding the same and appointing the judges and clerks of the election.

SEC. 3. The Mayor, or in case there is no Mayor, the President of the Council or Board of Trustees, shall at once issue a proclamation giving notice of such election, of the question submitted to the electors, and of the time and place of holding the election ; which proclamation shall be published for four consecutive weeks in some newspaper published in such city or town ; and if there is none published therein, then such proclamation shall be published by posting a copy thereof in five public places within the corporate limits of such city or town, one of which shall be on the door of the Mayor's office.

SEC. 4. At such election, those who desire to vote in favor of the abandonment of the charter shall deposit a ballot with the words "in favor of abandonment;" those desiring to vote against the abandonment shall deposit a ballot with the words "against abandonment." The election shall be conducted in other respects as elections for city officers are conducted under the charter. The abstract of votes shall be returned to the City Council or Board of Trustees, who shall canvass the same and declare the result, which shall be entered on the journal.

SEC. 5. If a majority of the votes cast at such election be in favor of the abandonment of the charter, the Council or Trustees shall immediately call a special election for the election of officers for such corporation according to its class as defined by this chapter ; and from and after the election and qualification of such officers the former charter of such city or town shall be considered as abandoned, and such city or town shall be considered as organized, and shall have all the rights and be subject to all the liabilities of the class to which it belongs, but the officers so elected shall hold their offices only until the next annual municipal election in such city or town. If a majority of the votes be against abandonment, that question cannot again be submitted until the expiration of one year from the time of such election.

SEC. 6. All rights and property of every description which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal corporation under the organization herein contemplated ; and no right or liability, either in favor of or against such corporation existing at the time, and no suit or prosecution of any kind, shall be affected by such a change ; *provided* that when a different remedy is given by this chapter which can properly be made applicable to any right existing at the time such change is made, the same shall be deemed cumulative to the remedies before provided and may be used accordingly.

CHAPTER 11, OF TITLE 4, OF THE CODE, OF GENERAL REGULATIONS AFFECTING COUNTIES, TOWNS, AND CITIES.

1. Public money not to be given to any institution or object under ecclesiastical or sectarian control. Code 552.
2. Cannot take stock in banks or railways. Code 553.
3. Bonds voids. Code 554.
4. Recovery on coupons, no bar in any other action. Code 555.
5. Officers cannot purchase warrants at discount. Code 556.
6. Duty of Treasurer. Code 557.
7. Penalty for violation. Code 558.

SECTION 1. Public money shall not be appropriated, given, or loaned by the corporate authorities, Supervisors or Trustees of any county, township, city or town or municipal organization of this State to or in favor of any institution, school, association or object which is under ecclesiastical or sectarian management or control.

SEC. 2. No county, city or incorporated town in this State, shall, in their corporate capacity, or by their officers, directly or indirectly subscribe for stock or become interested as a partner, shareholder or otherwise in any banking institution, whether the same be a bank of deposit, issue or exchange, nor in any plank road, turnpike or railway or in any other work of internal improvement ; nor shall they be allowed to issue any bonds, bills of credit, scrip, or other evidences of indebtedness for any such purposes—all such evidences of indebtedness for such purposes being hereby declared absolutely void ; *provided nevertheless*, that this section shall not be so construed as to prevent, or in any wise to embarrass the counties, cities or towns or any of them in the erection of their necessary public buildings, bridges, laying off highways, streets, alleys and public grounds or other local works in which said counties, cities or towns may respectively be interested.

SEC. 3. All bonds or other evidences of debt, hereafter issued by any corporation to any railway company as capital stock shall be null and void and no assignment of the same shall give them any validity.

SEC. 4. In all actions now pending or hereafter brought in any court in this State on any bond or coupon issued, or purporting to be issued by any county, city or incorporated town for railway purposes, a former recovery against such corporation on any one or more, or any part of such bonds or coupons, shall not bar or estop any defense such corporation has made or can make to such bonds or coupons in the action in which such former recovery was had ; but the corporation sought to be charged in any such action now pending or hereafter brought, may allege and prove any matter of defense in

such action to the same extent, and with the same effect as though no former action had been brought or former recovery had.

SEC. 5. No officer of any county or other municipal corporation, or any deputy or employe of such officer, shall either directly or indirectly, be permitted to take, purchase or receive in payment, exchange or in any way whatever, any warrant, scrip or other evidence of the indebtedness of such corporation, or any demand against the same, for a less amount than that expressed on the face of the warrant, scrip or other evidence of indebtedness or demand.

SEC. 6. The treasurer of every county, or other municipal corporation when he shall receive any warrant, scrip, or other evidence of indebtedness of such corporation, shall endorse thereon the date of its receipt, from whom received and what amount.

SEC. 7. Any officer of any county or other municipal corporation or any deputy or employe of such officer, who violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

PART OF CHAPTER 1 OF TITLE 26, OF THE CODE, IN RELATION TO WORKING PRISONERS IN THE COUNTY JAIL.

1. Prisoners in jail between 15 and 50, under sentence, may be required to labor. Code 4736.
2. Where to labor. Code 4737.
3. Sheriff may superintend work. Code 4738.
4. Marshal to superintend work, when. Code 4739.
5. Officer to prevent escape. Code 4740.
6. Prisoners to be credited for labor on fines. Code 4741.
7. Cruel treatment punished. Code 4742.
8. Duty of officer in charge. Code 4743.

SECTION 1. Any able-bodied male person over the age of sixteen years and not over the age of fifty years, now or hereafter confined in any jail in this state, under the judgment of any court of record or of any other tribunal authorized to imprison for the violation of any law, ordinance, by-law or police regulation, may be required to labor during the whole or part of the time of his sentence as hereinafter provided, and such court or other tribunal, when passing final judgment of imprisonment, whether for non-payment of fine or otherwise, shall have the power to determine and shall determine whether such imprisonment shall be at hard labor or not.

SEC. 2. Such labor may be on the streets or public highways, on or about public buildings or grounds or at such other places in the county where confined, and during such reasonable time of the day as the person having charge of the prisoners may direct, and not exceeding eight hours per day.

SEC. 3. In case the sentence be for violation of any of the statutes of the State the sheriff of the county where the imprisonment is shall superintend the performance of the labor herein contemplated, and shall furnish the tools and materials if necessary, to work with, at the expense of the county in which said convict is confined, and such county shall be entitled to his earnings.

SEC. 4. When the imprisonment is pursuant to the judgment of any court, police court, police magistrate, mayor or other tribunal of any incorporated city or town, for the violation of any ordinance, by-law or other regulation, the marshal shall superintend the performance of the labor herein contemplated, and shall furnish the tools and materials, if necessary, at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.

SEC. 5. The officer having charge of any convicts for the purpose specified in this chapter may use such means as, and no more than are necessary to prevent escape, and if any convict attempt to escape, either while going from or returning to the jail, or while at labor, or at any time, or if he refuse to labor, the officer having him in charge after due inquiry may, to secure such person or to cause such person to labor, use the means authorized by section four thousand seven hundred and thirty-four of this chapter; *provided*, such punishment shall be inflicted within the jail or jail enclosure for refusal to work and shall not be considered as any part of the time for which the prisoner is sentenced.

SEC. 6. For every day's labor performed by any convict under the provisions hereof, there shall be credited on any judgment for fine and costs against him, the sum of one dollar and fifty cents and no person shall be entitled to the benefits of the law providing for the liberation of poor convicts if in the opinion of the sheriff, the judgment may be satisfied by the labor of the person as herein authorized.

SEC. 7. If any officer or other person treat any prisoner in a cruel or inhuman manner, he shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

SEC. 8. The officer having such prisoner in charge shall protect him from insult and annoyance and communication with others while at labor, and going to and returning from the same, and he may use such means as are necessary and proper therefor ; and any person persisting in insulting, annoying or communicating with any prisoner, after being commanded by such officer to desist, shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding three days.

PART OF CHAPTER 1, OF TITLE 14, OF THE CODE, PROVIDING FOR THE APPOINTMENT AND PRESCRIBING THE DUTIES OF A SEALER OF WEIGHTS AND MEASURES AND WEIGHMASTERS OF PUBLIC SCALES, IN ALL INCORPORATED CITIES AND TOWNS.

1. Sealer of Weights and Measures may be appointed by the Council. Code 2059.
2. Duty of same. Code 2060.
3. City to bear expenses incurred in furnishing standards, &c. Code 2061.
4. Providing for delivery of standards &c. To be delivered to his successor in case of his death. Code 2062.
5. Penalty for refusing to deliver same to such successor. Code 2063.
6. Penalty for refusing weights and measures that do not conform to standard. Code 2064.
7. Oath; definition of public scales. Code 2065.
8. All Weighmasters are required to make correct weights, keep register and give certificate. Code 2066.
9. Standard for weighing stock and grain how procured. Code 2067.
10. Penalty for violation of any of the provisions of these sections. Code 2068.

SECTION 1. A sealer of weights and measures may be appointed in every city and incorporated town by the town council thereof, and shall hold his office during their pleasure, and said council may obtain from the sealers of weights and measures of their respective counties such standards of weights and measures as they may deem necessary for their respective cities or incorporated towns; and in case the Board of Supervisors of any county in which any city or town may be situated shall not have obtained such standards, then said council may obtain the same from the State Superintendent of weights and measures.

SEC. 2. Each sealer in cities and incorporated towns shall take charge and provide for the safe keeping of the town or city standards and see that the weights, measures and all apparatus used for determining the quantity of commodities used throughout the town or city, which shall be brought to him for that purpose, agree with those standards in his possession.

SEC. 3. All expenses directly incurred in furnishing the several counties, cities and incorporated towns with standards, or in comparing those that may be in their possession, shall be borne by the respective counties, cities and incoporated towns for which such expenses shall have been incurred.

SEC. 4. In case of the death of any such sealer of weights and measures, his representative shall in like manner deliver to his successor in office such beams, weights and measures.

SEC. 5. In case of refusal or neglect to deliver such standards entire and complete, the successor in office may maintain an action against the person or persons so refusing or neglecting, and recover for the use of the such county, city or incorporated town, double the value of such standards as shall not have been delivered. And in every such action in which judgment shall be rendered for the plaintiff, he shall recover double costs.

SEC. 6. If any person or persons shall hereafter use any weights, measures, beams or other apparatus, for determining quantity of commodities, which shall not be conformable to the standards of this State, in any counties whose standards have been obtained by the Board of Supervisors, or in any city or incorporated town after such standards have been obtained therein, whereby any person shall be injured or defrauded, he shall be subject to a fine not exceeding five dollars for each offense to be sued for and collected by the city, county or town sealer. He shall also be subject to an action at law, in which the defrauded person shall recover treble damages and costs, and every person keeping any store, grocery or other place for the sale or purchase of such commodities as are usually sold by weight or measure shall, once in each year, procure the weights and measures used by him to be compared with the standard herein provided; and he shall be subject to a fine of five dollars for every neglect to comply with this provision, to be recovered by any one who shall prosecute therefor.

WEIGHMASTERS OF PUBLIC SCALES.

SEC. 7. All persons keeping public scales, before entering upon their duties as weighmasters shall be sworn before some person having authority to administer an oath, to keep their scales correctly balanced ; to make true weights ; and to render a correct account to the person or persons having weighing done. Every scale shall be deemed a public one for the use of which a charge is made.

SEC. 8. All weighmasters are required to make true weights and to keep a correct register of all weighing done by them,

giving the amount of each weight, date of weighing, and the name of the person or persons for whom such weighing was done, and to give upon demand, to any person or persons having weighing done, a certificate showing the weight, date of weighing and for whom weighed.

SEC. 9. Weighmasters or keepers of public scales kept for the purpose of weighing stock or grain, shall provide and keep a standard of weight not less than fifty pounds avoirdupois for the purpose of testing such scales, and they shall at least once a month or oftener if requested, make a satisfactory test of the correctness of such scales.

SEC. 10. Any weighmaster or keeper of public scales, violating any of the provisions of the two preceding sections, upon complaint made before any justice of the peace having jurisdiction of the offense, may, upon conviction thereof, be fined in any sum not more than twenty dollars and not less than five dollars, for each offense, and shall be liable to the person or persons injured, for the full amount of damages by them sustained.

CHAPTER 7, OF TITLE 11, OF CODE, IN RELATION TO FIRE COMPANIES.

1, 2, 3. Exemption of all active members of fire companies, from military duty and working on highways. Conditions of such exemption. Code 1560, 1561, and 1562.

4. Penalty for misrepresentation. Code, 1563.

5, 6. Destruction or removal of fire apparatus punished. Code 1564, 1565.

7. False alarm of fire punished. Code 1566.

SECTION 1. Any person who is an active member of any fire, engine, hook and ladder, hose or any other company for the extinguishment of fire or the protection of property at fires, under the control of the corporate authorities of any city or incorporated town, shall, during the time he shall continue an active member of such company, be exempted from the performance of any military duty and from the performance of labor on the highways on account of poll tax and from serving as a juror; and any person who shall have been an active member of such company in any city or town as aforesaid and shall have faithfully discharged his duties as such for the term of ten years, shall be forever thereafter exempted from the performance of military duty in the time of peace, from serving as a juror, and from the performance of labor on the highways.

SEC. 2. Any person who has served in any company for a term of ten years, as provided in the preceding section, shall be entitled to receive from the foreman of the company of

which he shall have been a member, a certificate to that effect, and on the presentation of such certificate to the clerk or recorder of the proper city or town, such clerk or recorder shall file the same in his office, and give his certificate, under the corporate seal, to the person entitled thereto, setting forth the name of the company of which such person shall have been a member, and the duration of such membership; and such certificate shall be received in all courts and places as evidence that the person legally holding the same is entitled to the exemption hereinbefore mentioned.

SEC. 3. To entitle any person to exemption from labor on the highway before the expiration of the aforesaid term of ten years, he shall, on or before the first day of April of each year, file with the clerk or recorder of the proper city or town, a certificate signed by the foreman of the company of which said person is a member, that the person holding said certificate is an active member of said fire company, and thereupon the clerk or recorder shall enter said exemption upon the street tax list for that year.

SEC. 4. Any person who shall either by misrepresentation or by the use of a false certificate, or the certificate of any other person, endeavor to avail himself of the benefits of this chapter, upon conviction thereof before any mayor, recorder or magistrate of any incorporated city or town, or before any district court, shall be sentenced to imprisonment in the county jail for a period of not more than six months, or less than one month, and to pay a fine of not less than ten dollars, or more than one hundred dollars.

SEC. 5. Any person or persons who shall wilfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or anything whatever, used for the extinguishment of fires, belonging to any fire company, on conviction thereof shall be sentenced to imprisonment in the penitentiary for a period of not less than one year, nor more than three years.

SEC. 6. It shall not be lawful for any person to remove any engine or other apparatus for the extinguishment of fire, from the house or other place where the same shall be kept or deposited, except in time of fire or alarm of fire, unless properly authorized so to do by the president and director, or foreman, of the company to whom the same shall belong, or their duly authorized agent ; and any person offending against the provisions of this section shall forfeit and pay a sum not less than five dollars, nor more than twenty dollars, to be sued for and recovered in the name of the state, for the use of the school fund, before any mayor, recorder, or magistrate of the city or town wherein the offense has been committed.

SEC. 7. It shall not be lawful for any person or persons to cause false alarm of fire, either by setting fire to any combustible material, or by giving an alarm of fire without cause, and any person offending against the provisions of this section shall be fined a sum of not less than five dollars or more than twenty dollars, to be sued for and recovered as specified in the foregoing sections.

PART OF CHAPTER 2, OF TITLE 18, OF THE CODE. PUBLIC PROPERTY NOT LIABLE TO EXECUTION AND PRESCRIBING HOW CORPORATE DEBTS MAY BE PAID.

1. Public buildings of municipal corporations exempt from execution.
2. If no property of such corporation against which execution has issued can be found, tax to be levied to pay same.

SECTION 1. Public buildings owned by the state, or any county, city, school district, or other municipal corporation or any other public property which is necessary and proper for carrying out the general purpose for which such corporation is organized, are exempt from execution. The property of a private citizen can in no case be levied on to pay the debt of any such.

SEC. 2. If no property of a municipal corporation against which execution has issued can be found, or if the judgment creditor elect not to issue execution against such corporation, a tax must be levied as early as practicable to pay off the judgment. When a tax has been so levied, and any part thereof shall be collected, the treasurer of such corporation shall pay the same to the judgment creditor, or to the clerk of the court in which the judgment was rendered, in satisfaction thereof.

CHAPTER 23, LAWS OF 1874, RELATING TO LIENS UPON PROPERTY OF POLITICAL CORPORATIONS.*

1. Where municipal corporations have issued bonds in excess of lawful amounts for improvements. Holders to have lien.
2. Enforcement of lien—all bondholders to be made parties. No money judgment.

SECTION 1. That where a corporation has issued bonds in payment of an indebtedness exceeding five per cent on the value

*In the case of Mosher vs. Ind. School Dist., 44th Iowa, page 122, the Supreme court pronounced this statute unconstitutional.

of the taxable property of such corporation for labor upon, and materials furnished in the erection and furnishing a building and making improvements for such corporation, the holders of said bonds, or any of them, including the assignees thereof, shall have a lien upon such building and furniture and fixtures therein, and upon the land of such corporation on which such building and improvements are situated, to the amount of such indebtedness.

SEC. 2. Any person having a lien by virtue of this act may enforce the same by equitable proceedings in any district or circuit court of the county where the property is situated, at any time before the maturity of said bonds, as though the action was for labor done and materials furnished and used in and about the erection of said building. All persons owning such bonds shall be made parties, plaintiffs or defendants, and if the names of such owners are unknown they shall be made parties defendant as provided by section twenty-six hundred and twenty-two of the code. The plaintiff shall set forth, and the court shall ascertain and determine the entire amount of the indebtedness on such bonds, and order that the property be sold to pay such indebtedness, and the proceeds of the sale shall be paid to the court to be by it distributed *pro rata* among the holders of such indebtedness; but no money judgment shall be rendered against such corporation and the clerk shall not pay the proceeds of such sale to the holders of such indebtedness until they deliver him their bonds which shall be by him canceled.

CHAPTER 12, OF TITLE 4, OF THE CODE, IN RELATION TO TOWN PLATS.

1. Accurate plats to be made of the same; how numbered; duty to file plat in office of recorder, &c. Code 559.
2. Plat to contain statement of owners and must be acknowledged and recorded. Code 556.
3. Acknowledgment &c., equivalent to deed. Code 561.
4. How streets may be altered. Code 562.
5. How plat may be vacated. Code 563.
6. Not vacated when it affects the rights of others. Code 564.
7. Streets may be enclosed. Code 565.
8. Recorder's duty when vacated. Code 566.
9. Plats vacated may be replatted and conveyed accordingly. Code 567.
10. By whom plat may be made and recorded. Duty of auditor in such cases, costs, &c. Code 568.
11. When land is not properly described, auditor may cause plat to be made. Code 569.
12. Conveyance deemed warranty. Duty of auditors and supervisors. Code 570.
13. Plats heretofore made legalized. Code 571.
14. Penalty where plats have not been made. Code 572.

SECTION 1. Every original owner or proprietor of any tract or parcel of land, who has heretofore subdivided, or shall here-

after subdivide the same into three or more parts for the purpose of laying out any town or city, or any addition thereto or any part thereof, or suburban lots, shall cause a plat of such sub-division, with references to known or permanent monuments, to be made, which shall accurately describe all the subdivisions of such tract or parcel of land, numbering the same by progressive numbers and giving the dimensions and length and breadth thereof, and the breadth and courses of all the streets and alleys established therein. Descriptions of lots or parcels of land in such sub-divisions, according to the number and designation thereof on said plat contained, in conveyances or for the purpose of taxation, shall be deemed good and valid for all intents and purposes. The duty to file for record a plat as provided herein, shall attach as a covenant of warranty in all conveyances of any part or parcel of such subdivision by the original owner or proprietors against any and all assessments, costs, and damages paid, lost, or incurred by any grantee, or person claiming under him, in consequence of the omission on the part of said owner or proprietors to file such plat.

SEC. 2. Every such plat shall contain a statement, to the effect that the above or foregoing subdivision of (here insert a correct description of the land or parcel subdivided), as appears on this plat, is with the free consent and in accordance with the desire of the undersigned owners and proprietors, which shall be signed by the owners and proprietors, and shall be duly acknowledged before an officer authorized to take the acknowledgment of deeds; and when thus executed, shall be filed for record and recorded in the office of the recorder of the proper county.

SEC. 3. The acknowledgment and recording of such plat is equivalent to a deed in fee simple of such portions of the premises platted as is on such plat set apart for streets, or other public use; or as is thereon dedicated to charitable, religious, or educational purposes.

SEC. 4. Streets and alleys so platted and laid out, or which have been platted or laid out under any prior law of the state regulating private plats, may be altered or vacated in the manner provided by law, for the alteration or discontinuance of highways.

SEC. 5. Any such plat may be vacated by the proprietors thereof, at any time before the sale of lots therein, by a written instrument declaring the same to be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated, and the execution and recording of such writing shall operate to destroy the force and effect of

the recording of the plat so vacated, and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such plat. And in cases where any lots have been sold the plat may be vacated, as herein provided, by all the owners of lots in such plat joining in the execution of the writing aforesaid.*

SEC. 6. Any part of a plat may be vacated under the provisions and subject to the conditions of this chapter, provided such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat, and provided further, that nothing contained in this section shall authorize the closing or obstructing of any public highways laid out according to law.

SEC. 7. When any part of a plat shall be vacated as aforesaid, the proprietors of the lots so vacated may enclose the streets, alleys and public grounds adjoining said lots in equal proportions.

SEC. 8. The county recorder, in whose office the plats aforesaid are recorded, shall write in plain, legible letters across that part of said plat so vacated, the word "vacated," and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

SEC. 9. The owner of any lots in a plat so vacated, may cause the same and a proportionate part of adjacent streets and public grounds, to be platted and numbered by the county surveyor; and when such plat is acknowledged by such owner and is recorded in the record of office of the county, such lots may be conveyed and assessed by the numbers given them on such plats.

SEC. 10. Whenever the original owner or proprietor of any subdivision of land, as contemplated in section five hundred and fifty-nine of this chapter, have sold or conveyed any part thereof, or invested the public with any rights therein, and have failed and neglected to execute and file for record a plat as provided in section five hundred and fifty-nine of this chapter, the county auditor shall notify some, or all, of such owners and preprietors by mail or otherwise, and demand the execution of said plat as provided; and if such owners or proprietors, whether so notified or not, fail or neglect to execute and file for record said plat for thirty days after the issuance of such notice, the auditor shall cause to be made the plat of such subdivision and any surveying necessary therefor. Said plat shall be signed and acknowledged by the auditor, who shall certify that he executed by reason of the failure of the

*See chapter 61, acts of 1874.

owner to do so, and filed for record; and when so filed for record, shall have the same effect for all purposes as if executed, acknoweldged, and recorded by the owners or proprietors themselves. A correct statement of the costs and expenses of such plat, surveying, and recording, verified by oath, shall be by the auditor, laid before the first session of the board of supervisors, who shall allow the same and order the same to be paid out of the county treasury, and who shall, at the same time, assess the said amount, pro rata, upon all the several subdivisions of said tract, lot, or parcel so subdivided; and said assessment shall be collected with and in like manner as the general taxes; and shall go to the general county fund; or said board may direct suit to be brought in the name of the county before any court having jurisdiction, to recover of the said original owners or proprietors, or either of them, the said cost and expense of procuring and recording said plat.

SEC. 11. Whenever any congressional subdivision of land of forty acres or less, or any lot or subdivision is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot in the judgment of the county auditor, be made sufficiently certain and accurate, for the purposes of assessment and taxation without noting the metes and bounds of the same, the auditor shall require and cause to be made and recorded, a plat of such tract or lot of land with its several subdivisions in accordance with the provisions of this chapter; and he shall proceed in such cases according to the provisions of section five hundred and sixty-eight, and all the provisions of said section in relation to plats of towns, cities and so forth, shall govern as to the tracts and parcels of land in this section referred to.

SEC. 12. Every conveyance of land in this state, shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate to enable the auditor to enter the same on the plat book required by law to be kept; and when there is presented to be entered on the transfer book, any conveyance in which the description is not, in the opinion of the auditor, sufficiently definite and accurate, he shall note said fact on said deed with that of the entry for transfer, and shall notify the person presenting the same that the land therein insufficiently described must be platted within thirty days thereafter. Any person aggrieved by the opinion of the auditor, may, within said thirty days, appeal therefrom to the board of supervisors, by claiming said appeal in writing and thereupon no further proceeding shall be taken by the auditor, and at their next session the board of supervisors shall determine said question and direct whether or not said plat shall be executed and filed and within what time; and if

the grantor in such conveyance shall neglect for thirty days thereafter to file for record a plat of said land and of the appropriate congressional subdivisions in which the same is found, duly executed and acknowledged as required by the auditor, or in case of appeal as directed by the board of supervisors then the auditor shall proceed as provided in section five hundred and sixty-eight of this chapter, and cause such plat to be made and recorded, and thereupon the same proceedings shall be had and rights shall accrue, and remedies had, as are in said section provided. Such plat shall describe said tract of land, and any other subdivisions of the smallest congressional subdivision of which the same is a part, numbering them by progressive numbers, setting forth the courses and distances, and number of acres, and such other memoranda as are usual and proper; and descriptions, of such lots or subdivisions according to the number and designation thereof on said plat shall be deemed good and sufficient for all purposes of conveyancing and taxation.

SEC. 13. None of the provisions of this chapter shall be construed to require replatting in any case where plats have been made and recorded in pursuance of any law heretofore in force, and all plats heretofore filed for record, and not subsequently vacated, are hereby declared valid, notwithstanding irregularities and omissions in the manner or form of acknowledgment or judge's certificate; but the provisions of this section shall not affect any action or proceeding now pending.

SEC. 14. Any person who shall dispose of or offer for sale, lease any lots in any town, or addition to any town or city, until the plat thereof has been duly acknowledged and recorded as provided in this chapter, shall forfeit and pay fifty dollars for each lot and part or sold disposed of, leased, or offered for sale.

CHAPTER 61, OF ACTS OF 1874, IN RELATION TO THE VACATION OF TOWN PLATS.

1. The manner in which town plats may be vacated—what is necessary to procure such vacation.

SECTION 1. That whenever the owners of any piece of land, not less than forty acres in amount, which has been platted into town lots, and the plat of which has been recorded, shall desire to vacate said plat, or part of plat, it may be done in the manner following: A petition signed by all the owners of the town or part of the town to be vacated, shall be filed in the clerk's office of the district court of the district in which the land

so platted lies, and notice of such petition shall be given at least four weeks before the meeting of the court, by posting notices in three conspicuous places in the town where the vacation is prayed for, and one upon the court house door of the county. At the term of court next following the filing of the petition and notice, the court shall fix a time for hearing the petition, and notice of the day so fixed shall be given by the clerk of the court, in some newspaper published in the county, at least one week before the day appointed for the hearing. At the hearing of the petition, if it shall appear that all the owners of lots in the town or part of town to be vacated desire the vacation, and there is no valid objection thereto, a decree shall be entered vacating such portion of the town and the streets, alleys and avenues therein, and for all purposes of assessments such portion of the town shall shall be as *it* [if] it had never been platted in lots. *Provided, however*, That if any street as laid out on the plat shall be needed for the public use, it shall be excepted from the order of vacation and shall remain a public highway; *and further provided*, that this act shall not affect cities of the first and second class.

CHAPTER 25, OF ACTS OF 1874, CONCERNING CITY AND TOWN LOTS.

Lands to be laid out in any town or city lots shall be free from incumbrance and accurately described.

SECTION 1. Whenever any person or corporation shall lay out any parcel of land into town or city lots in accordance with chapter 12, title 4, of the code, such person shall procure from the county treasurer a certified statement that the land thus laid out into lots, streets and alleys is free from taxes, and such proprietor shall also procure a certified statement from the recorder of deeds that the title in fee to said land is in such proprietor and that the same is free from every incumbrance; which certified statements shall both be filed with the recorder of deeds before the plat of the said town or city lots shall be admitted to record or of any validity.

SEC. 2. The record and plat of every town, city or addition thereto, which may be thus laid out shall give the bearing and distance from some corner of a lot or block in said town or city or part thereof to some corner of the congressional division of which said town or city or addition thereto is a part.

CHAPTER 63, OF ACTS OF 1876, AMENDING LAWS IN RELATION TO CITY AND TOWN LOTS, AND IN RELATION TO THE ANNEXATION OF CONTIGUOUS TERRITORY.

SECTION 1. That chapter 25, of the general laws of the fifteenth general assembly be amended by adding to the first section thereof the words: *Provided*, that the provisions of this act shall not affect the filing and recording of plats where the original parcel of land shall have heretofore been subdivided and sold or encumbered with a view to platting the same prior to the passage of this act; and *provided, also*, that the provisions of this act shall not prevent the annexation of contiguous territory to cities and towns under section 426, 427, 428 and 429 of chapter 10, title 4 of the code.

REGISTRY OF ELECTORS, PART OF CHAPTER 2, OF TITLE 5, OF THE CODE, IN REGARD TO THE REGISTRATION OF VOTERS.

1. Clerk of cities and incorporated towns to prepare registers—Board of Registry. Code 599.
2. When same is not applicable. Code 602.

SECTION 1. In corporation elections, the clerk of the city or town shall prepare from the poll-books of the last preceding annual election of said corporation, an alphabetical register of the electors as provided in section five hundred and ninety-six of this chapter, showing the residence of each person by number of dwelling, if there be a number, and the name of the street or other location of the dwelling-place of each person. And he shall post up one copy thereof in each ward at the place where the last preceding election was held, one month preceding each election, and furnish the original to the board of registry at their next meeting. The board of registry for said cities and towns shall consist of the mayor, assessor, clerk, and marshal, who shall meet for the purpose of correcting the registry one week before each election, at the usual place of meeting of the city council or trustees, and, after having corrected the registry of voters in each ward, as contemplated in the general provisions of this chapter, said board shall cause a certified copy of said registry for each ward to be delivered to the election board of such ward at or before the time of opening the polls. After the canvassing of the votes, the registries shall be attached to the poll books

and filed in the office of the clerk of the city or town for the use of the succeeding board of registry. The general provisions of this chapter shall extend to incorporated towns and cities as far as the same may be applicable. But no residence in such cities or towns shall be deemed sufficiently stated, unless the street or other location and number, if any, are specified in the list.

SEC. 2. This chapter shall not apply to townships, incorporated towns, or cities, having a population of less than six thousand inhabitants, as shown by the last preceding census.

DETACHED PROVISIONS OF THE CODE APPLICABLE TO CITIES AND TOWNS.

PROCEEDINGS BEFORE POLICE COURTS.

SECTION 4707. The proceedings in police and city courts in incorporated cities and towns, in criminal cases within their jurisdiction shall be regulated by the provisions of this code, when not otherwise regulated by law.

WATER POWER IMPROVEMENTS.

SEC. 1237. Such corporations may use, raise, or lower any highway, for the purpose of having their said canals, water-ways, mains and pipes, pass over, along or under the same; and in such case shall put such highway, as soon as may be, in good repair and condition, for the safe and convenient use of the public. And such corporation may construct and carry their canals, conduits, water-ways, mains, or water pipes, across, over or under any railway, canal, stream or water-course, when it shall be necessary for the operation or construction of the same, but shall do so in such manner as not to impede the travel, transportation or navigation upon, or other proper use of, such railway, canal, or stream. But the powers conferred in this section, can only be exercised in cities and towns with the consent and under the control of the city council or trustees of said municipal corporations.

CONSTRUCTION OF RAILWAY CROSSINGS.

SEC. 1290. Whenever it becomes necessary in the construction of any railway to cross any other railway near the shore of the Mississippi river, each shall be so constructed and maintained at the point of crossing so that the respective road-beds thereof shall be above high water in such river. But where such crossings occur within the limits of cities containing six thousand inhabitants as shown by the last preceding

census, the city council of such cities may establish the grade of such crossings.

CROSSING HIGHWAYS BY RAILWAYS.

SEC. 1262. Any such corporation may raise or lower any turnpike, plank road, or other highway, for the purpose of having its railway pass over or under the same; and in such cases said corporation shall put such highway, as soon as may be, in as good repair and condition as before such alteration at said place of crossing.*

SEC. 1263. If the supervisor, trustees, city council or other person having jurisdiction over such highway require further or different repairs or alterations made thereon, or if the same in their opinion is unsafe, they shall give notice thereof in writing to any agent or officer of the corporation, and if the parties are unable to agree respecting the same, either may apply by petition, setting out the facts, to the circuit court or judge thereof, and such court or judge shall cause reasonable notice to be given the adverse party of the application; the petition shall be filed in the clerk's office and may be answered as in other cases. The court shall determine the matter in a summary way and make the necessary orders in relation thereto, giving such corporation a reasonable time to comply therewith, and upon failure to do so, said court may enjoin the corporation from using so much of its road as interferes with any such highways, and the court may award costs in favor of the prevailing party.

CHAPTER 116, OF ACTS OF 1876, RELATING TO THE ASSESSMENT AND COLLECTION OF TAXES OF CITIES UNDER SPECIAL CHARTERS.

1. To provide by ordinance when taxes shall become delinquent. Notice of sale.
2. Letters and figures may be used. Irregularities.
3. Special taxes. Interest. Collection.
4. Receipt by collector, &c.
5. Collector shall make certificate of purchase for any property sold.
6. Redemption and certificate.
7. Deed to holder of certificate of purchase.
8. Grade of street or alley.
9. Damages to be assessed by commissioners.
10. Appraisement and appeal.
11. City council may remove commissioners.
12. Repealing section 1, chapter 51, of acts of 1874.
13. Property may be condemned without action to enforce the same.
14. Council may regulate sales.
15. Annual tax not to exceed 3 per cent. Road district.
16. When taxes are to be collected by the Marshal.
17. Numbering houses.
18. Council may require owners of property to open water course when obstructed by them.
19. Poll tax.
20. Police powers, etc.
21. General laws.

SECTION 1. All cities in this state organized and existing

*The words, " at such place of crossing " added by chapter 47, acts of 1874.

under special charters, may provide by ordinance when taxes both general and special shall become delinquent, and the rate of interest which they shall thereafter bear, which rate shall not exceed twenty-five per cent. per annum ; and for the sale of delinquent, special and general taxes, on such terms and at such a rebate of the principal or interest or both, as the city council may determine ; and in the notice required by law to be given it will be sufficient to state the description of the lot or parcel of real estate to be sold for delinquent taxes of the current year, and also the lot or parcel of real estate on which the delinquent taxes for previous years remain due and unpaid, and the amount of taxes delinquent for previous years without naming such previous years, and the amount of interest and costs, if any, against each lot or parcel of real estate, in which may be included special taxes, delinquent, at such rate of interest as the city council may determine, not to exceed the rate allowed by law at the time the taxes were assessed, and the total amount of taxes, interest and cost against such lot or parcel of real estate.

SEC. 2. In all advertisements for the sale of real property for taxes, and in entries required to be made in any manner connected with the assessment or collection of taxes, letters and figures may be used to denote numbers, fractions of numbers and amounts as are commonly used in other business transactions, and no irregularity or informality in the advertisement shall affect the legality of any sale, or the title of any property conveyed if it shall appear that said property was subject to taxation for the year or years for which the same was sold, and the tax was due and unpaid at the time of sale ; and in all cases the advertisement shall be sufficient notice to the owners and persons having an interest in or claiming title to any lot or parcel of real estate, of the sale of their property for delinquent taxes, and a failure of the collector to make a personal demand of taxes shall not affect the validity of any sale or the title to any property acquired under such sale.

SEC. 3. The city council may provide by ordinance that all special taxes hereafter assessed and levied shall bear the same rate of interest as the annual taxes from and after the same becomes due and delinquent, which rate shall not exceed twenty-five per cent. per annum ; and all special taxes remaining due and delinquent at the date when the annual taxes become delinquent, shall be collected at the time and in the manner the annual delinquent taxes are collected, and the same shall be included with the annual delinquent taxes, if any remain delinquent, and the city council may provide by ordinance that all special taxes or assessments which shall become due and delinquent prior to the delinquency of the

annual taxes, shall be collected by a sale of the real estate so taxed or assessed specially called therefor, and the kind of notice to be given, and may also provide for the collection of such tax by suit, such as is authorized by sections 478 and 479 of chapter 10, title 4, of the Code.

SEC. 4. The collector shall in all cases, make out and deliver to the tax payer a receipt, which receipt shall contain the description and assessed value of each lot or parcel of real estate, and the assessed value of personal property ; and in case the property has been sold for taxes and not redeemed, the date of such sale and to whom sold, also the amount of the tax, interest and costs, if any, giving a separate receipt for each year, whereupon he shall make the proper entries of such payments on the books of his office. And the council may provide by ordinance, that no person shall be permitted to pay the taxes of any one year until the taxes for the previous years shall be first paid ; and provide that the receipt herein contemplated shall be conclusive evidence that all taxes, and the costs of every kind against the property described in such receipt, are paid to the date of such receipt ; and provide that for any failure or neglect on the part of the collector, or on the part of any one acting as a collector, he and his bondsmen shall be liable to an action on his official bond for the damages sustained by any person or the city through such neglect.

SEC. 5. The collector of taxes, or person authorized to act as collector, shall make, sign and deliver to the purchaser of any real property sold for the payment of any taxes authorized by the provisions of this act, or by any law applicable to cities acting under special charters, a certificate of purchase, which shall have the same force and effect as certificates issued by county treasurers for the sale of delinquent county taxes.

SEC. 6. Real property sold under the provisions of this act, or by virtue of any power heretofore given, may be redeemed at any time—before the right of redemption is cut off, as hereinafter provided—by payment to the collector, or to the person authorized to act as collector, to be held by him subject to the order of the purchaser on surrender of the certificate, or in case the same is lost or destroyed, on his making affidavit of such fact, and of the further fact that it was not assigned, of the amount for which the same was sold, and twenty per centum of such amount immediately added as a penalty, with ten per cent. interest per annum on the whole amount thus made from the day of sale. The collector, or person authorized to act as collector, shall, upon the application of any party to redeem real property sold as aforesaid and being satisfied that such person has a right to redeem the

same, and on the payment of the proper amount issue to such party a certificate of redemption, in substance and form as provided by section 891 of chapter 2, title 6, of the Code, and shall make the proper entry thereof in the sale book, which redemption shall thereupon be deemed complete without further proceedings.

The provisions of sections 892, 893 and 894, of chapter 2, title 6 of the code, shall, so far as the same are applicable, and not herein changed or modified, apply to sales of real estate for delinquent taxes herein contemplated; *provided*, that where the words "treasurer of the county," or "treasurer" are used in said sections, the words "collector of the city," or "collector" or person authorized to act as collector shall be substituted.

SEC. 7. Immediately after the expiration of ninety days from the date of service of the notice as prescribed by section 894, of chapter 2, title 6, of the Code, the collector or person authorized to act as collector then in office, shall make out a deed for each lot or parcel of land remaining unredeemed, and deliver the same to the purchaser, upon return of the certificate of purchase. Any number of parcels of real estate bought by one person, may be included in one deed, if required by the purchaser. Deeds executed by the collector or person authorized to act as collector, may be in form substantially as provided by section 896, chapter 2, title 6, of the code, and shall be signed and acknowledged by him in his official capacity, and all deeds and conveyances hereafter made and executed on account of any general or special tax sale shall have the same force and effect as deeds made by county treasurers for delinquent county taxes, and the purchaser, as well as the owner of any real property sold on account of such general or special delinquent tax, shall be entitled to all the rights and remedies which are granted and prescribed by sections 897, 898, 899, 900, 901, 902, 903, 904, and 905 of chapter2, title 6 of the code; *provided*, that wherever the words "county" or "county treasurer" are used the words "city" or "city collector" or person authorized to act as collector shall be substituted.

SEC. 8. When the grade of any street or alley shall have been established, and any person shall have built or made improvements on such street or alley according to the established grade thereof, and such city shall alter such established grade in such a manner as to injure or diminish the value of said property, said city shall pay to the owner or owners of said property so injured the amount of such damage or injury.

SEC. 9. Said damage or injury shall be assessed by three

commissioners, who shall be disinterested freeholders, to be appointed by the city council. They shall, before entering upon their duty, be sworn to execute the same according to the best of their ability. Before entering upon their duty the city shall cause notice to be given, which notice shall be signed by the commissioners and published for three weeks in one or more newspapers printed in such city, of the time and place of their meeting, for the purpose of viewing the premises and making their assessments. They shall view the premises and in their discretion, receive any legal evidence, and may adjourn from day to day ; either one of whom shall have the power, in the presence of the others, to administer an oath or oaths to any witness or witnesses to be examined before them.

SEC. 10. When the appraisement shall be completed the commissioners shall sign and return the same to the city council within thirty days of their appointment. The city council shall have power, in their discretion to confirm or annul the appraisement and if annulled all proceedings shall be void ; but if confirmed, an order of confirmation shall be entered. Any person interested may appeal from the order of confirmation to the circuit or district court of the county in which such city is situated, by notice in writing to the mayor at any time before the expiration of twenty days after entering the order of confirmation. Upon the trial of the appeal, all questions involved in the proceedings, including the amount of damages shall be open to investigation. The cost of any proceeding incurred prior to the order of such city council confirming or annulling the appraisement, shall in all cases be paid by such city.

SEC. 11. The city council shall have the power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect or be unable from any cause to serve.

SEC. 12. That so much of section 1, chapter 51, acts of the fifteenth general assembly as requires cities to provide by ordinance for the improvement of alleys after presentation of petition by owners of property to be assessed, be and the same is hereby repealed, and such cities organized under special charters, may provide by ordinance how such improvements shall be made, and thereafter may order any alley to be improved, graded or macadamized, by resolution passed by the affirmative vote of two-thirds of such council, and on voting on such resolution the yeas and nays shall be recorded.

SEC. 13. All property taken and condemned by virtue *or* [of] any power heretofore conferred or herein granted may be

so taken and condemned and such power may be exercised and pursued without resorting to proceedings in court in the first instance to enforce the same, anything in any law to the contrary notwithstanding.

SEC. 14. The city council of any such city may regulate and license sales by transient merchants, bankrupt and dollar stores and the like. *Provided*, That the exercise of such power shall not interfere with sales made by sheriffs, constables, coroners, marshals, executors, guardians, assignees of insolvent debtors or other persons, required by law to sell real or personal property.

SEC. 15. The city council of all cities acting under special charters, with a population of not more than fifteen thousand inhabitants, as shown by the last state census, shall have power to levy an annual tax of not to exceed three per cent. of the assessed value of all taxable property within its limits, for the purpose of defraying the annual current expenses of the city, carrying on its municipal affairs and paying its bonded indebtedness ; *provided*, that no other or greater assessment shall be made in any one year than the amount herein authorized, anything in any law to the contrary notwithstanding. While all other cities acting under special charters may levy the taxes now authorized, anything in the law to the contrary notwithstanding. While all other cities acting under special charters may levy the taxes now authorized by law, and when such city constitutes a road district, may levy a road tax in addition to the road tax now allowed by law of two mills on the dollar of the assessed valuation, which road tax shall in no case exceed five mills ; *provided*, however, the city council may provide by ordinance that all property lying within the corporate limits of any city acting under a special charter, and which is not now subject to tax for city purposes, by reason of the said property being used for agricultural, horticultural or gardening purposes, shall be subject to a road tax not exceeding the sum of forty cents for each one hundred dollars of the valuation thereof, for the purpose of keeping in repair, the roads, streets and bridges lying within that part of such city where the property is not subject to taxation for city purposes.

SEC. 16. When, by the provisions of special charters, taxes or revenue of any kind are required to be collected by the marshal or any other designated officer, the city council of any such city shall have the power to provide by ordinance for the collection of such taxes or revenue, and the discharge of all other duties relating thereto by any other officer or person.

SEC. 17. Cities acting under special charters shall have power to provide by ordinance for the numbering of houses by the owners or lessees thereof.

SEC. 18. All such cities shall have power to require the owner or lessee of any lot or tract of ground extending into, across, or bordering on any hollow or ravine which constitutes a drain for surface water, or a water course of any kind, who shall by grading or filling such lot or tract of ground obstruct the flow of water through such water courses, to construct through such lot or land such a drain or passage way for water as the council may designate, and to enforce the same by proper penalties, or the city may construct such drains at the expense of the owners, and assess the cost thereof on the lots or tracts of ground.

SEC. 19. All such cities shall have power to enforce the payment of poll tax in such manner as it may determine by suit, penalties or otherwise, as may be provided by ordinance.

SEC. 20. In regard to the police powers, sanitary regulations, and regulations for the prevention and spread of fires, and of contagious diseases, the enumerated powers shall not be construed as a limitation of the general powers.

SEC. 21. No general law as to powers of cities organized under the general incorporation act, shall in any manner be construed to affect the charter or laws of cities organized under special charters, and while they continue to act under such charters, unless the same shall have special reference to such cities.

SEC. 22. That section 7, chapter 238, acts of the sixth General Assembly of the State of Iowa, approved January 27th, A. D. 1857, be, and the same is hereby repealed.

CHAPTER 174, ACTS OF SEVENTEENTH GENERAL ASSEMBLY AMENDING SECTION 6, OF CHAPTER 116, LAWS OF THE SIXTEENTH GENERAL ASSEMBLY.

1. Subsequent taxes paid by purchasers at tax sales, penalty added to. Such penalty not to attach unless tax has been delinquent for thirty days.

2. Sales for taxes hithertofore made not to be affected by preceding section.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 6, of chapter 116, laws of the sixteenth General Assembly, be and the same is hereby amended

by inserting after the word "sale," in the eleventh line of said section 6, the following words, to-wit: And also the amount of all taxes, either annual or special, with interest and costs, paid at any time by the purchaser subsequent to the sale, and a similar penalty of twenty per cent. added as before on the amount of the payment made at any subsequent time with ten per cent. interest per annum on the whole of such amount or amounts from the day or days of payment. *Provided*, That such penalty for the non-payment of the taxes at any such subsequent time or times shall not attach unless such subsequent tax or taxes shall have remained unpaid for thirty days after they become delinquent.

SEC. 2. The provisions of the above section shall not in any manner affect the sales for city taxes heretofore made by cities acting under special charters.

SECTION 3, OF CHAPTER 3, OF ACTS OF 1868, CERTIFYING TAXES.*

* * * * The city council or trustees of any incorporated city or town, acting under special charter, may, if they deem best, cause to be certified up to the clerk of the board of supervisors, all taxes, rates and special assessments the same as though said city or town had been incorporated under the general incorporation law, known as chapter 51, of the revision of 1860, and the amendments thereto; and when so certified, said taxes, rates and special assessments shall be collected and accounted for in all respects the same as is provided by section 3, chapter 25, of the acts of the tenth General Assembly.

*The first and second sections of this act, are omitted, as they confer upon the city, no power it did not previously possess.

CHAPTER 99, ACTS OF SEVENTEENTH GENERAL ASSEMBLY, PROMOTING THE COLLECTION OF REVENUE IN INCORPORATED CITIES ACTING UNDER SPECIAL CHARTERS, AND TO LEGALIZE THE TAXES HERETOFORE LEVIED THEREIN AND SALES MADE THEREUNDER.

1. City council may provide for certifying tax levied to county auditor; county auditor to place the same on the tax books of the county; county collector to collect the same in the same manner that county taxes are collected.

2. Acts heretofore done by city officers in certifying tax to auditor and in sales made by county collector validated.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the council of each municipal corporation acting under special charter, may, if they deem it expedient, provide by ordinance for certifying to the auditor of the county in which such city is situated, on or before the first Monday of September of each year, or such other time as may be fixed by law for the levy of state and county taxes, the per centage or number of mills on the dollar of tax levied for all city purposes by them on the taxable property within the corporation for the year then ensuing, as shown by the assessment roll of said city for said year, and the county auditor, when such certification is made, is required to place the same on the tax books of the county in the same manner as state and county taxes are placed thereon, which tax for municipal purposes shall be collected and paid over to the proper officer by the county treasurer with the same restrictions, powers and liabilities and under the same regulations as to power, mode and manner of proceeding in every respect as in relation to state and county taxes, and in all things relating to the sale of real and personal property, he is authorized and required to proceed according to the provisions of the statutes regulating the sale of property for delinquent state and county taxes and in all sales for such or any delinquent taxes for municipal purposes, if there be other delinquent taxes due from the same person, or a lien on the same property, the sale shall be for all the delinquent taxes and such sales and all sales made under or by virtue of this act shall be of the same validity, and in all respects be deemed and treated as though such sales had been made for delinquent state and county taxes exclusively.

SEC. 2. That all acts of the officers of cities incorporated under special charters in heretofore certifying the taxes levied or rates of taxes to the county auditor, and all collections, and tax sales made thereunder, be and the same are hereby

declared in all respects as valid, binding, effective and conclusive as if the power to so certify and sell had been expressly conferred by law, but nothing herein contained shall have the effect to make valid any sale for taxes which would be invalid under any other provision of law.

CHAPTER 28, OF ACTS OF 1872, RELATING TO TAXES LEVIED FOR BRIDGE PURPOSES.

1. When cities and towns are entitled to bridge tax.
2. Duty of county treasurer, etc.

SECTION 1. The incorporated cities and towns of this State within the limits of which bridges are constructed over running streams and maintained at the expense of such cities and towns shall be entitled to all bridge taxes levied by county authorities and collected on property within the limits of such cities and towns: *Provided*, That this act shall only apply where bridges exceeding seventy-five feet in extreme length have been or shall be constructed and maintained by such municipal authority.

SEC. 2. The country treasurer shall pay to the proper municipal officers all the money in his hands which come within the provisions of the foregoing section at the same time and in the same manner as other funds collected for city and town purposes. *Provided*, That wherever the taxes so levied and tolls collected and paid over to the proper municipal officer shall have amounted to the cost of constructing and maintaining such bridges, the bridge tax herein provided for shall therefore remain in the county treasury for general bridge purposes, subject only to the cost of maintaining such municipal bridges in good condition and repair.

PART OF CHAPTER 1, OF ACTS OF 1872, AUTHORIZING THE APPROPRIATION OF MONEY TO BUILD BRIDGES.

SECTION 1. The common council of any incorporated city within the state may appropriate sum not exceeding ten dollars per lineal foot, to aid the construction of any county bridge within the limits of such city.

CHAPTER 5, OF LAWS OF 1874, EMPOWERING CITIES AND TOWNS TO MAKE CONTRACTS WITH RAILROAD AND BRIDGE COMPANIES FOR THE USE OF WAGON BRIDGES ACROSS RIVERS.

SECTION 1. All cities situated on any river in the state, whether organized and existing under special charter or by general law, and from which to the opposite shore of any of said rivers a bridge has been or may be constructed by any railroad or other private company, corporation or person, shall have power to contract with the company, corporation or person owning such bridge for the use of the same as a public highway jointly with any company, corporation or person having or desiring the right to use the same for the passage of cars propelled by steam or otherwise, and in such contract may have the right to assume sole liability for damages to persons or property by reason of their being on any part of said bridge or on an approach to either end thereof caused by the running of cars or locomotives by any corporation, company or person entitled to use said bridge, whether such damage results from the negligence of the persons engaged in running said cars or locomotives or otherwise, and to indemnify and save harmless the owners of said bridge and any and all corporations, companies or persons entitled to use the same from all liability for damage so caused, and said city may thereafter manage and control said bridge, either as a free or a toll bridge, and prescribe such rates of toll as to it from time to time may seem proper, and make all necessary police regulations for the government of said bridge.

CHAPTER 31, OF LAWS 1872, RELATING TO POLL TAXES IN CITIES AND TOWNS.

1. Municipal corporations having control of streets may require male residents between twenty-one and fifty to work on same.

2. Forfeiture for non-compliance. Collection.

SECTION 1. Municipal corporations, whether organized under special charters, or under the provisions of chapter fifty-one, revision of 1860, and where by the terms of the charter the same are invested with the care and control of streets and highways within their respective limits, are hereby empowered to provide by ordinance that all able-bodied male residents of the incorporation, between the ages of twenty-one and fifty years shall, between the first day of April and the first day of September in each year, either by themselves or satis-

factory substitutes, perform two days' labor upon the streets, alleys or highways within said incorporation, at such time and places as the proper officer may direct and upon three days' notice in writing given.

SEC. 2. That said municipal incorporations may further provide, by ordinance, that for each days' failure to attend and perform such labor as required, at the time and place specified, the delinquent shall forfeit and pay to the corporation any sum not exceeding two dollars for each days' delinquency, and that all such sums remaining unpaid on the first day of September in each year, may be treated and collected as taxes on property, and the same shall be a lien on all the property of the delinquent, that may be listed for taxation and assessed and owned by him on the first day of November of the same year.

CHAPTER 51, PAGE 40, ACTS OF 1874, CONCERNING THE IMPROVEMENT OF ALLEYS.

1. City and town councils may provide for grading alleys. Assessment of expense.
2. Work to be let by contract.
3. Assessments a lien upon property.
4. Mode of making assessment.
5. Costs not to be paid out of general funds of corporation.

SECTION 1. The city council or trustees of any incorporated city or town, organized under special charter or under the provisions of the general incorporation laws of the state, are hereby authorized and empowered to provide by ordinance for the improvement of alleys, in said city or town, by grading the same, and for the assessment of the expenses thereof upon the owners of lots or parcels of land abutting on said alley *pro rata*, according to the front feet of said lots or parcel of land; *provided*, that such ordinance shall not be adopted except after the presentation to said council of a written petition for the improvements of such alley, signed by a number of the owners of property so to be assessed therefor equal to a majority of the owners of such property.*

SEC. 2. It shall be the duty of such city council or trustees to require the work of grading such alley to be done under contract therefor, to be entered into with the lowest responsible bidder; *provided*, that all bids for such work may be rejected by such council or trustees, if by them deemed to be exorbitant, and new bids ordered.

SEC. 3. All assessments for the grading of alleys under this act shall be a lien upon the lots and lands assessed, and shall

*See ante-section 12, of chapter 116, of acts of 1876.

bear the same rate of interest, and the said property assessed may be sold for payment thereof in the same manner, at any regular or adjourned sale, with the same forfeiture, penalties, and rights of redemption, and certificates and deeds on such sales shall be made in the same manner and with like effect, as in cases of sales for non-payment of the annual taxes of such cities or towns respectively, as now or hereafter provided by law in respect thereto.

SEC. 4. Such city council or trustees may provide by ordinance for the particular mode of making and returning the assessment hereinbefore authorized, and payment of such assessments may, if so directed by said council or trustees, be enforced in the manner and by the proceedings provided for by sections 478, 479 and 481 of the code.

SEC. 5. That so much of section 465 of chapter 10, title 4, as requires the expense of the grading of alleys to be paid out of the general funds of any incorporated city or town, be and the same is hereby repealed.

CHAPTER 19, PAGE 20, OF ACTS OF 1872, ENABLING CITIES AND TOWNS TO SETTLE, ADJUST, AND COMPOUND INDEBTEDNESS.*

1. Cities, towns and counties authorized to adjust their indebtedness and to issue new securities.
2. Same authorized to levy the necessary taxes and enforce liquidation of renewed debts.
3. Terms of adjustment.
4. Application of act.
5. Limitation of amount of bonds.

SECTION 1. Cities, towns and counties are hereby authorized to settle, adjust, compound, extend or renew debts, owing by the bonds or other negotiable promissory instruments of such corporations, and to issue new securities for such debts.

SEC. 2. Said corporations are hereby authorized, whenever any extension or renewal of said indebtedness is made, to provide by the levy and collection of annual taxes, at the same time and in the same manner as for the levy and collection of other taxes for the prompt payment of the interest and principal of such renewed debt; and the levy collection and payment of taxes, to liquidate the principal and interest of said renewed debt may be enforced in case of default by writ of mandamus or other proper legal process.

SEC. 3. Said corporation may settle, adjust, compound, extend or renew such indebtedness upon such terms as they may deem just and for their welfare.

*See chapter 69, of acts of 1872; and chapter 57, of acts of 1876.

SEC. 4. This act is intended to apply only to the settlement of bonds and securities heretofore issued, not including warrants or other evidences of debt, issued for current expenses and outstanding at the time of the passage and approval hereof.

SEC. 5. New bonds issued by virtue hereof shall in no case be for a greater sum than the principal and accrued or earned interest unpaid on the bond or debts in place of which, or for the payment of which, they shall be given.

CHAPTER 69, PAGE 73, ACTS OF 1872, PROVIDING FOR THE PAYMENT OF BONDS ISSUED BY CITIES AND TOWNS UNDER CHAPTER 19 OF LAWS OF 1872.

1. Bonds to pay indebtedness may be collected through the auditor of state.
2. Provision prohibiting compounding of railroad bonds repealed.

SECTION 1. Section 5 of chapter 54 of the laws of the thirteenth General Assembly shall be, and is hereby, made applicable to any bonds hereafter issued by towns, cities or counties under chapter 58, (xix) of the laws of the fourteenth General Assembly,

SEC. 2. Section 6, of said chapter 54, of the laws of the thirteenth General Assembly is hereby repealed.

CHAPTER 57, PAGE 47, OF ACTS OF 1876, AUTHORIZING CITIES AND TOWNS TO ADJUST CERTAIN INDEBTEDNESS AND TO PROVIDE FOR THE PAYMENT OF THE SAME.

1. May settle and adjust indebtedness and issue new securities.
2. May levy special tax to pay principal and interest.
3. This act not to apply to current expenses.
4. New securities.

SECTION 1. That cities and towns are hereby authorized, upon such terms as they may deem just and for their best interest to settle, adjust, renew or extend such indebtedness as may be owing by or claimed against them and evidenced by the bonds or other negotiable promissory instruments of such municipal corporations, and to issue new securities for such indebtedness, except as hereinafter mentioned.

SEC. 2. Said several corporations are hereby authorized, whenever any extension or renewal of such indebtedness, is

made, to provide for the payment of the interest and principal of such extended or renewed indebtedness by the levy and collection of the necessary taxes at the same time, and in the same manner as other taxes; and the levy, collection and payment of such taxes may be enforced by proper legal process when necessary, in addition to the ordinary means provided by law for the levy and collection of taxes.

SEC. 3. This act is intended to and shall apply only to the settlement, adjustment and extension or renewal of bonds and securities heretofore issued and outstanding at the time of this act, and not including warrants or other evidences of indebtedness issued or incurred for current expenses of such corporations.

SEC. 4. New bonds or securities issued by virtue hereof, shall in no case be for a greater sum than the principal and accrued interest unpaid on the bond or security for which such new bond or security may be given.

CHAPTER 12, PAGE 14, OF ACTS OF 1870, PROVIDING FOR THE ELECTION OF A POLICE JUDGE AND THE ESTABLISHMENT OF A POLICE COURT IN CITIES ACTING UNDER SPECIAL CHARTERS.

1. Cities under special charters may elect police judges.
2. Powers of same.
3. Making such election optional with the city
4. Moneys to be accounted for.

SECTION 1. The legal voters of any city in the State of Iowa, now acting under the provisions of special charters heretofore granted, may, at their next annual election, and every two years thereafter, at the time of electing municipal officers of such corporation, elect a suitable person to be known as police judge, who shall qualify and give bond in like manner as justices of the peace are required to do.

SEC. 2. Whenever any such city shall have elected a police judge, as aforesaid, all the powers, jurisdiction, duties and emoluments of said judge and his court shall be the same as are now provided by sections 1117, 1118, 1119 and 1120, of chapter 51, of the revision of 1860, providing for such an officer in cities acting under the general incorporation law for incorporated cities and towns, the same as though said sections were herein specially set forth.

SEC. 3. Nothing herein contained shall be construed to compel any such city to elect a police judge, where they may choose to dispense with the same.

SEC. 4. All moneys coming into the hands such police of judge in his official capacity, shall be accounted for in the same manner as justices of the peace are required to account for money coming into their hands officially.

The following are the sections of the Revision of 1860, referred to in the preceding act.

SECTION 1117. The police judge shall have in all criminal cases the powers and jurisdiction that are or may be by law vested in justices of the peace of the county in all respects whatsoever; he shall also have the powers to take acknowledgements of deeds and other writings, he shall have jurisdiction of all ordinances of the city, and of all cases of petit larceny and other inferior offenses which do not require an indictment or presentment by the grand jury, with power to hear and determine the same, where a jury is not demanded in cases where it may be properly claimed. The police judge of any such city shall have power to hold court to be styled the "police court." Every such police court shall be deemed a court of record, shall have a seal to be provided by the city council, with the name of the state in the center, and the style of the court around the margin, and shall have like jurisdiction as a court as is or may be invested in the judge holding the same; and shall also have jurisdiction and power to hear and determine all cases of violation of the ordinances of the city which shall be prosecuted in the name or in the behalf of the city; and in all cases of petit larceny, or other inferior offenses committed within the limits of the city or within one mile thereof, and which the constitution or some law of the state does not require to be prosecuted by indictment or presentment of a grand jury; and prosecutions for such offenses shall be brought and conducted in the name of the state. And for the proper exercise of such jurisdiction, such police court shall have in respect of the issuing of process, the preserving order and punishing contempts, the administering oaths, the summoning and empaneling juries or otherwise, all the persons* incident to the district courts in the hearing and determining like cases.

SEC. 1118. The police judge holding the police court shall be entitled to receive in all criminal cases, prosecuted in behalf of the state, the same fees, to be collected in the same manner, as is or may be provided by law, as the justice of the peace in like cases, and in cases prosecuted in behalf of the city, such fees not exceeding fees for the services of the like nature in state prosecutions, as the council may by ordinance

*This is evidently a misprint, it should be "powers."

prescribe, and shall also receive such future salary or compensation as the city council in like manner may prescribe.

SEC. 1119. The police court shall always be open for the dispatch of business, but may adjourn from day to day, or from time to time, and the mode in which cases shall be brought before the court shall be regulated by the ordinances of the city council or rule of the court; the jurors in said court shall have the qualifications of jurors in the district court, the police judge shall adopt such rules of practice and proceedings as will give to all the parties a proper statement any charge against them, full opportunity of being heard but (at the) dispatch the business of the court with convenient speed.

SEC. 1120. Any final conviction or sentence of the police court may be examined into by the district court on certiorari which may be allowed by such court or judge thereof, for sufficient cause and proceedings may be stayed on such terms as may be deemed reasonable; such police judge or court shall on such certiorari, all matters of record on file touching the proceedings, or a transcript thereof, and any facts which may have been noted by the judge, or certified in the nature of a bill of exceptions at the time of trial, which it shall be the duty of the judge on the request of the party to do, and on such return the district court shall make such order as right and justice shall require, and may either discharge the party or set aside the conviction and order another trial, or dismiss the certiorari, and order a precedendo, but no conviction or sentence of any such judge shall be set aside or disregarded for want of any technical averment that any matter or thing is within their jurisdiction and in like manner as is above provided may a conviction for the violation of any ordinance before the mayor of any corporation, be examined and revised.

CHAPTER 13, ACTS OF 1872, CITIES AND TOWNS MAY AID IN THE CONSTRUCTION AND REPAIR OF ROADS LEADING THERETO.

1. Towns may devote part of road tax to roads leading thereto.
2. Upon petition of one-third resident taxpayers, council to submit question of special election, etc.

SECTION 1. It shall be lawful for any incorporated city* or town to aid in the construction and repair of any road or roads leading thereto by appropriating therefor a portion of the

*The word city was added to section 1. the above statute. by chapter 197, of the acts of 1872, page 104.

road tax belonging to said incorporated town or city not exceeding fifty per cent. thereof annually as hereinafter provided.

SEC. 2. Whenever a petition shall be presented to the council of any incorporated town signed by one-third of the resident tax-payers of said town asking that the question of aiding in the construction or repair of any road or roads leading thereto be submitted to the voters thereof, it shall be the duty of the council of said town to immediately give notice of a special election by posting five notices in public places in said town at least ten days before said election, which notice shall specify the time and place of holding said election, the particular road or roads proposed to be aided, the proportion of the road tax then levied and not expended, or next thereafter to be levied, to be appropriated, at which election the question of "appropriation," or "no appropriation," shall be submitted, and if a majority of votes polled be for "appropriation," then the council of such incorporated town shall be authorized and empowered to aid in the construction and repair of said road or roads to the extent of said appropriation, in the same manner as they otherwise would were said road or roads within the corporate limits of said town. *Provided*, That no part of said road tax shall be appropriated or expended outside of two miles from said town.

CHAPTER 78, LAWS OF 1860, CONCERNING COUNTY AND STATE ROADS WITHIN TOWNS AND CITIES.

1. County and state roads must conform to grade.

SECTION 1. Such portions of all county and state roads as lie within the limits of any incorporated town or city or in any town or city hereafter incorporated, shall conform to the direction and grade and be subject to all the regulations of other streets in such town or city.

CHAPTER 154, PAGE 214, ACTS OF 1868, RELATING TO THE SALE OF INTOXICATING LIQUORS IN INCORPORATED CITIES AND TOWNS.

1. Amendment of revision of 1860.
2. Cities and towns under special charters may regulate and prohibit the sale of certain liquors.

SECTION 1. Section 1063 of the revision of 1860 is hereby amended by striking out of said section all after the words

"intoxicating liquors," and inserting in lieu thereof the following words: "Not prohibited by the laws of the state."

SEC. 2. All incorporated towns and cities not incorporated under the general incorporation law shall have the power to regulate or prohibit the sale of intoxicating liquors not prohibited by state laws, and such power to regulate shall include the power to assess or impose a tax on such sale. For the purposes of this act beer and wine shall be considered intoxicating liquors.

CHAPTER 81, OF ACT OF 1870, PROVIDING PUNISHMENT FOR VIOLATION OF CITY ORDINANCES AND BY-LAWS.

SECTION 1. The board of trustees, city council, or other legislative power of any city or town, now or hereafter incorporated under the laws of this state, shall have power to provide by ordinance for the punishment of any person found guilty of violating any ordinance or by-law of such city or town, by fine, penalty or forfeiture, not exceeding one hundred dollars, or by imprisonment in jail not to exceed thirty days; but such city or town using any county jail shall be liable to the county for the expenses and costs of keeping such prisoners; which may be recovered by action therefor.

SEC. 2. Whenever the fine and costs imposed for the violation of any ordinance or by-law are not paid, the person convicted may by the officer having jurisdiction in the case be committed until fine and costs are paid. *Provided*, however, that no imprisonment in such cases shall be for more than thirty days.

CHAPTER 107, LAWS OF 1866, PAGE 112, CONSTITUTING THE MAYOR AND COUNCIL OF ANY INCORPORATED CITY OR TOWN, OR THE TRUSTEES OF ANY TOWNSHIP NOT INCORPORATED, A BOARD OF HEALTH, AND DEFINING THEIR POWERS.

1. Board of health; who shall constitute.
2. Powers.
3. Shall publish regulations.
4. Shall abate or remove.
5. Owners shall remove filth; fine for neglecting.
6. Notice; how served.
7. Liability of owners.
8. Streets and alleys to be cleaned; Infectious diseases; establishment of hospitals, etc.
9. Violation a misdemeanor; penalty.
10. How expenses may be paid.
11. Notice; duty of marshal.

SECTION 1. The mayor and council of any incorporated

town or city, or trustees of any township not incorporated, shall be and are hereby constituted a board of health.

SEC. 2. The several boards of health constituted by this act shall have power to make such regulations as they may deem necessary for the public health and safety respecting nuisances, sources of filth and causes of sickness within their cities or towns.

Sec. 3. Notice shall be given by the board of health of all regulations made by publishing the same in some newspaper of its town, or, where there is no newspaper, by posting in five places in the town. Such notice shall be deemed legal notice to all persons.

SEC. 4. The board shall examine into all nuisances, sources of filth and causes of sickness within its town or city, and shall take immediate measures to abate, remove or prevent the same wherever found.

SEC. 5. The board shall order the owner or occupant, at his own expense, to remove any nuisance, source of filth or cause of sickness found on private property within such time as it deems reasonable, and if such person neglects to do so he shall forfeit a sum of not exceeding twenty-five dollars for every day during which he knowingly permits such nuisance or cause of sickness to remain after the time prescribed for the removal thereof.

SEC. 6. Such notice shall be made in writing and served by the marshal of the town or city, or by any constable of the town, in the usual way of serving notices in civil suits.

SEC. 7. If the owner or occupant fails to comply with such order the board may cause the nuisance, source of filth or cause of sickness to be removed, and all expenses incurred thereby shall be paid by such person.

SEC. 8. The board shall have power to make regulations in relation to cleansing the streets and drains of the city or town; in relation to communication with houses where there is any contagious or infectious disease; to establish pest houses or hospitals, and when deemed expedient and necessary to prevent the spread of any contagious disease, to remove to said pest house or hospital, any person sick with the Asiatic or malignant cholera or other malignant or infectious disease. To prohibit or prevent all communication by, and with, all houses, tenements, and places, and the persons occupying the same, in which there shall be any person sick with any contagious, malignant or infectious disease. To employ all such persons as shall be necessary to carry into effect the regulations adopted and published according to the powers vested in the board by

this act, and to fix their compensation; to employ physicians in case of poverty, and to take such general precautions and actions as it may deem necessary for the public health.

SEC. 9. Any person who shall willfully violate any of the regulations so made and published by the board of health, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine or imprisonment, such fine not to exceed one hundred dollars, and such imprisonment not to exceed thirty days.

SEC. 10. All the expenses incurred by the several boards of health in the execution of this act shall be a charge upon their respective towns or cities, for the purpose of defraying which a tax may be levied by such board of health upon the property in such town or city, upon the valuation of property at the last assessment of such property, sufficient to defray all expenses so incurred.

SEC. 11. Ten day's notice of such levy shall be given in the manner prescribed by law for the collection of taxes, when it shall be the duty of the marshal of such town or city to collect the same and pay it into the hands of the treasurer of the board of health.

CHAPTER 35, OF ACTS OF 1874, RELATING TO RIPARIAN OWNERS.

1. Land owners upon the Mississippi river may erect piers, cribs, booms, &c.
2. Owners to receive compensation for railroad right of way.

SECTION 1. All owners and lessees of lands or lots situate upon the Iowa banks of the Mississippi and Missouri rivers, upon which property there is now or hereafter may be carried on any business which is in any way connected with the navigation of said rivers, or to which the said navigation is a proper and convenient adjunct, are hereby authorized to construct and maintain, in front of their said property, piers, cribs booms, and other proper and convenient erections and devices for the use of their respective pursuits and the protection and harbor of rafts, lots, floats and other water crafts; *provided*, that the same present no material or unreasonable obstruction to the navigation of the stream, or to a similar use of adjoining property.

SEC. 2. It shall not be lawful for any person or corporation to construct or operate any railroad or other obstruction between such lots or lands and either of said rivers, or upon the shore or margin thereof, unless the injury and damage to such

owners occasioned thereby shall be first ascertained and compensated in the manner provided by chapter 4, title 10, of the Code.

CHAPTER 90, OF LAWS OF 1876, PROVIDING FOR THE ELECTION OF CITY ASSESSORS IN CITIES ORGANIZED AND EXISTING UNDER SPECIAL CHARTERS. ADDITIONAL TO CODE, CHAPTER 10, TITLE 4.

SECTION 1. That the qualified electors of all cities organized and existing under special charters, shall, at their regular annual election, elect one city assessor, who shall hold his office for the term of one year and until his successor is elected and qualified.

PART OF CHAPTER 6, OF LAWS OF 1872, CONCERNING RAILWAY COMPANIES.*

3. Companies prohibited from violating contracts with municipal corporations.
4. Proceedings in case of violation by railroad companies.
5. Proceedings in equity and decree.
6. Any court or judge may enjoin violation of act or contract.
7. Remedies not exclusive.
8. Enforcement of order of court.
9. How to be construed.

SECTION 3. Every railroad company, its successors, assignees or lessees, which has heretofore made or which shall hereaftermake any contract with any municipal corporation in this state is hereby prohibited from, in any manner, violating any of the provisions of such contract; and every railroad company, its successors, assigns, or lessees, which has heretofore made, or shall hereafter make any contract with any municipal corporation in this state, is hereby required to perform each and all of the provisions of any and every such contract specifically as agreed therein, and it is hereby made its duty so to do. In every case in which any such municipal corporation has complied with its obligation relating to such contract at any stage of its fulfillment, so far as it has agreed to do, such municipal corporation shall not be required to furnish any further tender or guarantee of compliance on its part in order to secure its rights in the courts; but in case anything remains to be done by such municipal corporation

*Sections 1 and 2 are omitted because they are not of a general character.

under such contract, after the completion of the same, on the part of the railroad company contracting therewith, then it shall, after the enforced compliance on the part of such company as hereinafter provided, be required to fully comply on its part.

SEC. 4. In case of a refusal of any railroad company, its successors, assigns, or lessees to comply with the provisions of section 1, of this act, or its failure to perform the duties required in the last preceding section, or their doing, or having done any act at variance with such performance or duties, then the municipal corporation affected thereby, or with which the contract in that particular case was made, may, in an action by mandamus, in any court of record in the county in which such municipal corporation is situated, proceed against such company so failing or refusing, and such company shall, on proper proof, be required to perform all the duties required by this act; and the general law for the action of mandamus, in force in this state, shall apply in such a case with the same force that it does in all other cases in which it is applicable, except as it is herein enlarged.

SEC. 5. In case any municipal corporation affected as before stated, or with which any such contract has been made, should not desire to seek the remedy given in the last preceding section of this act, it may proceed in equity by the action of specific performance in any court in the county in which such municipal corporation is situated, having jurisdiction in equity, and in case such court should find that a contract had been made, it shall by decree require such company so violating or offering to violate its contract, or failing or refusing to perform the provisions thereof to specifically perform the same.

SEC. 6. Any court or judge in this state, to whom application shall be made, shall at the suit of any municipal corporation as aforesaid, restrain by injunction the violation of any provisions of this act, or of the provisions of any contract as aforesaid, and in such proceeding it shall not be necessary for such municipal corporation to give bond.

SEC. 7. The remedies provided for in this act shall not be construed to be exclusive.

SEC. 8. Any order, decree or judgment, made by any court in pursuance of any of the provisions of this act, shall be enforced in the usual manner.

SEC. 9. The words "railroad company or companies," in this act, shall be construed to mean also the officers, agents, or employees of such company or companies.

CHAPTER 172, ACTS OF SEVENTEENTH GENERAL ASSEMBLY. AN ACT TO AUTHORIZE CITIES, TOWNS AND TOWNSHIPS TO REGULATE THE SALE OF COAL OIL.

1. City council may on petition of five inhabitants appoint one or more inspectors of coal oil. Inspectors not to be interested in the sale or manufacture of such oils; compensation, and by whom paid. Inspectors to take oath and give bonds.

2. Inspector to make test of such oil in quantities not less than a pint. Oils must show a fire test of not less than 150 degrees Fahrenheit. Inspectors to mark on oils so tested result of test. If oil ignites at a fire test of less than 150 degrees, to mark the same condemned for illuminating purposes, nameing the fire test. Inspector to keep record of fire tests made by him.

3. Inspector may be punished for breach of duty.

4. Penalty for selling or offering to sell for illuminating purposes coal oil not tested, or below the required test.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That the mayor and council of any city or incorporated town, or the township trustees in townships wherein no city or incorporated town is situated may, and upon the petition of any five inhabitants thereof, shall, annually appoint one, or more suitable persons, not interested in the sale or manufacture of coal oil, kerosene, or the product of petroleum, to be inspectors thereof in said cities, towns, or townships, and fix their compensation, which shall not exceed five cents per package, to be paid by the party requiring their services, and who, before entering upon the duties of such office, shall take take and subscribe an oath, and shall also execute a bond to the state of Iowa in such sum and with such sureties as shall be approved by said council or township trustees, and conditioned for the faithful performance of his duties; and any person aggrieved by the misconduct or neglect of such inspector, may maintain suit thereon for his own use for all damages sustained.

SEC. 2. Upon the application of any person, purchaser, manufacturer, refiner, or producer of, or any dealer in, such oils or fluids, said inspector shall test the same with reasonable dispatch by applying the proper fire test thereto, in quantities not less than one pint, as indicated and determined by some accurate instrument and apparatus approved and used for testing the quality of such illuminating oils or fluids, which instrument or apparatus the inspector shall provide at his own expense and cost. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, to be ascertained as aforesaid, the inspector shall mark, plainly and indelibly, over his official signature, with the date thereof, on each cask, barrel, tank or package so tested, "Approved, fire test being one hundred and fifty degrees" or more, as the same may prove; but if

such oils or fluids will ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, then the inspector shall so mark on each cask, barrel, tank or package so tested "Condemned for illuminating purposes, fire test being —— degrees," as the same may prove less than one hundred and fifty degrees Fahrenheit. Said inspector shall keep a record of all inspections made and enter the same within twenty-four hours thereafter, in a book kept for that purpose, which shall be at all times accessible for examination by any person; and upon the termination of his office, such inspector shall turn the same over to the clerk or recorder of said city, incorporated town or township.

SEC. 3. Any inspector who shall falsely brand or mark any cask, barrel, tank or package, or be guilty of any fraud, deceit, misconduct or culpable negligence in the discharge of any of his official duties, or who shall either directly or indirectly deal in any such oils or fluids while holding the office of inspector, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding thirty days, and shall be liable to the party injured for all damage occasioned thereby.

SEC. 4. Any manufacturer or refiner of, or any dealer in any such oils or fluids, the product of petrolum, who shall sell or offer the same for sale to any person for illuminating purposes without the same shall have been so inspected, or shall sell or offer for sale any such oils or fluids as aforesaid, which is below the test of one hundred and fifty degrees Fahrenheit, as provided in section 2, of this act, or who shall use any cask, barrel, tank or package, with the inspector's brand or mark thereon, the oil or fluid therein contained not having been so inspected, or who shall counterfeit any such inspector's brand or mark, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the same penalties provided in, and subject to the same liabilities as set forth, in section 3, of this act.

CHAPTER 117, ACTS OF SEVENTEENTH GENERAL ASSEMBLY, REDUCING THE LIMITS OF CERTAIN CITIES INCORPORATED UNDER SPECIAL CHARTERS.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That when any city incorporated under a special charter and having, according to the returns of the

census taken under and by authority of the State of Iowa, in the year 1875, a population of not less than ten thousand nor more than twelve thousand inhabitants, shall desire to have any portion of the territory embraced within its limits severed from or stricken out of the limits of such city, the city council of said city may, upon a vote of two-thirds of the whole number of members of such council, present to the circuit court of the county in which such city is situated a petition setting forth the facts and describing the territory that is desired to have severed, with the names of each owner of any portion of such territory so far as shown by the assessment list of such city, which petition shall have attached thereto, a map or plat of such territory. A notice of the filing of such petition shall be served by publication in one of the daily papers published in such city, for the period of four weeks prior to the meeting of the circuit court in which said petition is filed. And the city shall be plaintiff and the said owners defendant, and issues joined and the cause tried in the same manner as other causes, so far as applicable, except no judgment shall be rendered for costs against the defendants. If the court find the allegations of the petition to be true and that justice and equity require that said territory or any part thereof should be severed from such city, a decree shall be entered accordingly and from the time of entering such decree the territory therein described shall be severed from and no longer be a part of such city.

CHAPTER 36, ACTS OF 1874, PROVIDING FOR THE STOPPING OF FIRES IN CITIES AND TOWNS.

1. Owners of property destroyed to prevent the spreading of fire to receive pay from the city or town.
2. Assignment of insurance policy.

SECTION 1. That whenever, for the purpose of staying the progress of a conflagration, the authorities of any city or town, whether acting under special charter or not, shall order or cause to be destroyed any house or building not already on fire and adjoining or in the vicinity of such conflagration, the owner thereof shall be paid for such property by such city or town; *provided*, he shall make his claim within thirty days from the date of the destruction of the same, and if the said city or town shall fail to make payment when said claim is made and satisfactory proof furnished of the value of said property so destroyed, the party owning such house or building shall have the right to recover by suit in any court having

jurisdiction of the same, the value of such property which such city or town authorities may have caused to be destroyed to prevent the spread of such conflagration.

SEC. 2. That upon the payment of the amount to which said party is entitled by such city or town, as provided in section 1, of this act, the party so paid as aforesaid shall assign and set over to said city or town all his right, title and interest in and to any insurance policy or claim he may have against any insurance company for said property so destroyed or any part thereof.

CHAPTER 54, ACTS OF 1876, RELATING TO THE CONSTRUCTION OF SEWERS.

1. Cities organized under special charters may construct sewers and how paid for.
2. To be done under contract.
3. Respecting special tax.
4. Council to provide mode of assessment.
5. Not conflicting with Code.
6. Cross sewers.
7. Proviso.

SECTION 1. That all cities in this state organized and existing under special charter, having a population of not less than ten thousand as shown by the last preceding state census, may provide by ordinance for the construction of sewers, or may divide the city into sewerage districts in such manner as the council may determine, and pay the cost of constructing same out of the general revenue of the city, or assess the cost upon the adjacent property, or may levy a certain sewerage tax within the sewerage district, out of which to pay for the construction of the same, which sewerage tax shall not exceed in any one year two mills on the dollar of the assessed value of the property within such district. Or may pay a part of the cost of such construction out of the general revenue, and a part by levying a tax upon all the property within the sewerage district, or may pay for the same by pursuing any two of the methods herein named.

SEC. 2. It shall be the duty of such city council to require the work of constructing such sewers to be done under contract therefor to be entered into with the lowest responsible bidder, and bonds with surety for the faithful performance of such work shall be required to be given by the contractors. *Provided*, That all bids for such work may be rejected by such council, if by them thought to be exorbitant and new bids ordered.

SEC. 3. All special tax levied for the construction of sewers under this act shall be payable by the owners, personally, at

the time of such assessment, and shall also be a lien upon the lots and lands so assessed and shall bear such rate of interest, and the said property assessed may be sold for the payment thereof in the same manner at any regular or adjourned sale or special sale called therefor, with the same forfeitures, penalties and rights of redemption and certificates, and deeds on such sales shall be made in the same manner with like effect as in case of sales for non-payment of the ordinary annual taxes of such cities respectively as now or hereafter provided by law in respect thereto, or the city council may provide by ordinance for the sale of such assessed property at a special tax sale to be called therefor, after giving notice therefor three consecutive weeks in one of the newspapers published in said city; the last of which publications shall be at least ten days before the day of sale.

SEC. 4. Such city council may provide by ordinance for the particular mode of making and returning the assessments hereinbefore authorized, and payment of such assessments may, if so directed by said council, be enforced by suit in court, in the manner and by the proceedings provided for by sections 478, 379, and 481, of the Code.

SEC. 5. Nothing in this act contained shall take away, impair or interfere with the powers conferred by section 465 of the Code, for the construction of sewers and payment therefor in whole as therein provided.

SEC. 6. The city council shall have power to provide by ordinance, terms and conditions on which cross sewers may be attached to or connected with main sewers; and in cases where sewers have been constructed in whole or in part by special assessment, may pay unto the parties who have been so assessed, the money, or a part thereof, charged and collected for the privilege of attaching such cross sewers.

SEC. 7. *Provided*, That any such city which has heretofore adopted a system of sewerage by which the cost of construction has been paid out of the general revenue, shall not be permitted to abandon such system, anything in this law to the contrary notwithstanding.

CHAPTER 107, ACTS OF 1876, EMPOWERING CITIES TO LEVY A SPECIAL TAX FOR SEWERAGE PURPOSES.

1. Levy of two mills for a sewerage fund.
2. May condemn private property,
3. Commissioners to assess damages.
Construction of sewers.

SECTION 1. That any city within this state may levy a tax

of not more than two mills on the dollar in addition to the maximum tax now authorized by law for the purpose of commencing a general system of sewerage in such city, and the money so raised shall constitute a sewerage fund, and shall be applied to no other purpose.

SEC. 2. That when, for the purpose of carrying off the water of any stream which flows within or through the said city it becomes expedient to cause a principal sewer to pass through private property, the right to condemn such property for this purpose is hereby conferred upon its council. And the powers granted shall be the same in other respects as those enjoyed by railway companies, by and under the provisions of the Code. The proceedings to enforce their powers shall also be the same, except that all damages shall be assessed by a board of three commissioners. These shall be appointed by the city council and may be changed at the pleasure thereof. They must be free from all personal interests in subjects brought before them for their adjudication, and they may decide on any question of damages that may arise in respect to any of the property that may be claimed to be injured by the construction of said sewer.

Sec. 3. That instead of constructing such principal sewer itself, the city may authorize its construction by any individual or company, and may agree to pay therefor out of the sewerage fund. And the city council may also make all needful rules and regulations in relation to any of the sewers in their respective cities and may regulate the manner in which any property holder may connect therewith and may also prescribe all needful regulations pertaining thereto.

PLUMBERS.*

AN ORDINANCE to provide for the licensing and regulation of Plumbers.

1, Petition for license to be filed. Must be signed by applicant and two others.
2. Bond to be filed, what it shall contain.
3. When bond is filed and approved license to issue, for from one to five years. When a new bond may be demanded.
4. Plumbers and pipe-fitters to make return in writing to the Water Company of all connections, &c., made by them.
5. Not allowed to work without a license.
6. Must not turn on water without permission.
7. Party violating liable to revocation of license; how such revocation may work.
8. Penalty.

Be it ordained by the City Council of the City of Muscatine:

SECTION 1. That any plumber or pipe fitter, wishing to do business with the Muscatine Water Works Company, or in providing facilities for the use and consumption of water furnished by said Company, shall before receiving license for such business, file in the office of the mayor or recorder of said City, a petition in writing, stating his name, place of business, (and if a firm, the name of each member thereof), asking to become a licensed plumber of the City of Muscatine, subject to such rules and regulations concerning his said business, as the said City or said Water Works Company now have or may hereafter lawfully adopt, and such petition must be signed by the applicant or applicants, and also by at least two responsible citizens of Muscatine, vouching for the skill and worthiness of the applicant.

SEC. 2. Such applicant shall also file in the office of the mayor or recorder of said City, a bond with two or more sureties to be approved by the City Council, in the penal sum of five hundred dollars, in favor of said City, conditioned that the obligor will keep and save the City of Muscatine and the Muscatine Water Works Company free, clear and harmless from all damage resulting from unskillfulness in his said work and business, and that he will faithfully comply with and obey the rules and regulations mentioned in the first section hereof.

SEC. 3. Upon the filing of such petition and bond, and the acceptance and approval thereof by the City Council, there shall be granted to such applicant a license or permit to conduct said plumbing business as set forth in the first section hereof, for a period of not less than one nor more than five years from the date of such grant. And upon the death, insolvency, or removal from Muscatine county, of any surety on such plumber's bond, or for any other proper and reason-

*This ordinance was passed subsequent to the printing of the foregoing pages.

able cause, in its discretion the City council may require a new bond to be furnished within ten days.

Sec. 4. Every plumber or pipe-fitter shall within forty-eight hours after making any attachment to, or connection with, the street mains or other pipes of the said Water Works Company, make full and complete returns in writing to said company of all the uses for and to which water is to be applied by, or through, such attachment or connection, giving in every case full description of all the pipe, fixtures, apparatus and arrangements for the use of the water.

SEC. 5. No person or persons shall lay any service pipe, or do any plumbing work connected with the introduction and supply of water from the works of said Muscatine Water Works Company unless he is, or they are, regularly licensed as in this ordinance provided.

SEC. 6. No plumber shall turn on the water from the street mains into any pipe or connection therewith, except for the purpose of testing his work, without notice to and written consent from the Superintendent of said Water Works Company.

SEC. 7. In case of the violation of any of the provisions of this ordinance, or of any of the rules and regulations mentioned in the first section hereof, by a licensed plumber or pipe-fitter, the council, upon the proof of such offense, may revoke the license of the party so offending, or suspend his license for a limited time, and such revocation or suspension shall operate to revoke or suspend the license held by any co-partner or employe of such offender.

SEC. 8. Any person who shall do any act or thing prohibited by this ordinance shall, in addition to the liabilities and forfeitures herein before imposed, be subject and liable to a fine of not less than one, or more than fifty dollars, with cost of prosecution; such fine and cost to be enforced and collected as by the charter and ordinances of said city is in such case provided.

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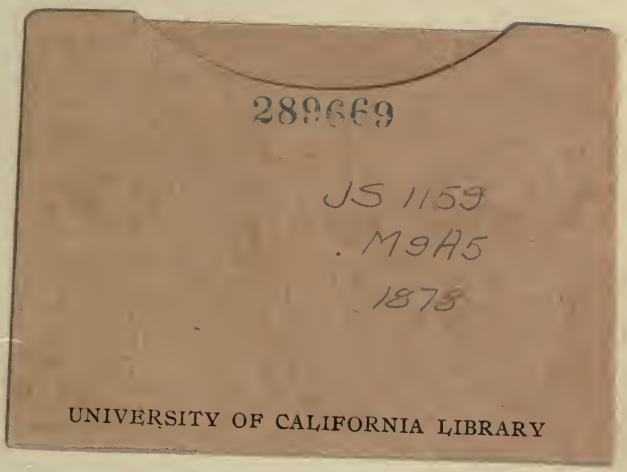
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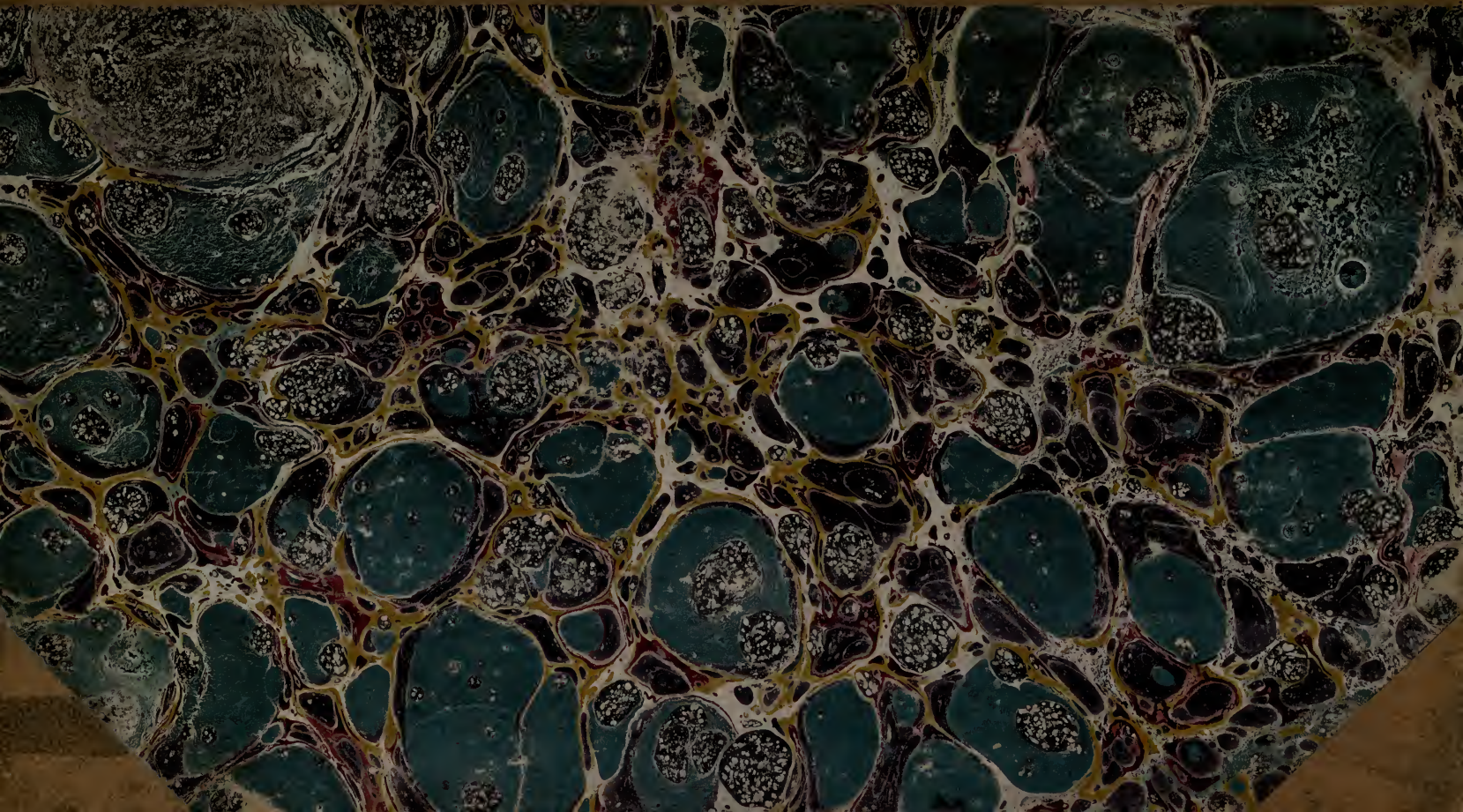
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